



# ***INDIANA CRIMINAL SENTENCING AND CORRECTIONS SURVEY***

Findings presented to the  
**Sentencing Policy Study Committee**  
October 6, 2004

# Indiana Sentencing and Corrections Survey

## *PURPOSE*

The Indiana Criminal Justice Institute developed *Indiana's Criminal Sentencing and Corrections Survey* to assess practitioner perspectives on Indiana's sentencing laws and policies. This assessment includes the purpose of the criminal justice and corrections systems, the availability of sentencing options, and the needs of offenders held in state correctional facilities.

# Indiana Sentencing and Corrections Survey

## *METHOD*

The survey was administered for the Institute by the Center for Urban Policy and the Environment, Indiana University, Indianapolis during May and June of 2004.

Five groups of criminal justice professionals were surveyed totaling 681 potential respondents, including 258 judges with criminal case experience, 91 elected prosecuting attorneys, 156 appointed public defenders, 120 adult chief probation officers, and 56 directors of adult community correction programs funded by the Community Corrections Grant Act.

Respondents received a letter on Sentencing Policy Study Committee letterhead from representatives of the Committee informing them about the survey. Respondents were asked to complete the questionnaire either on the web or on paper by May 28, 2004.

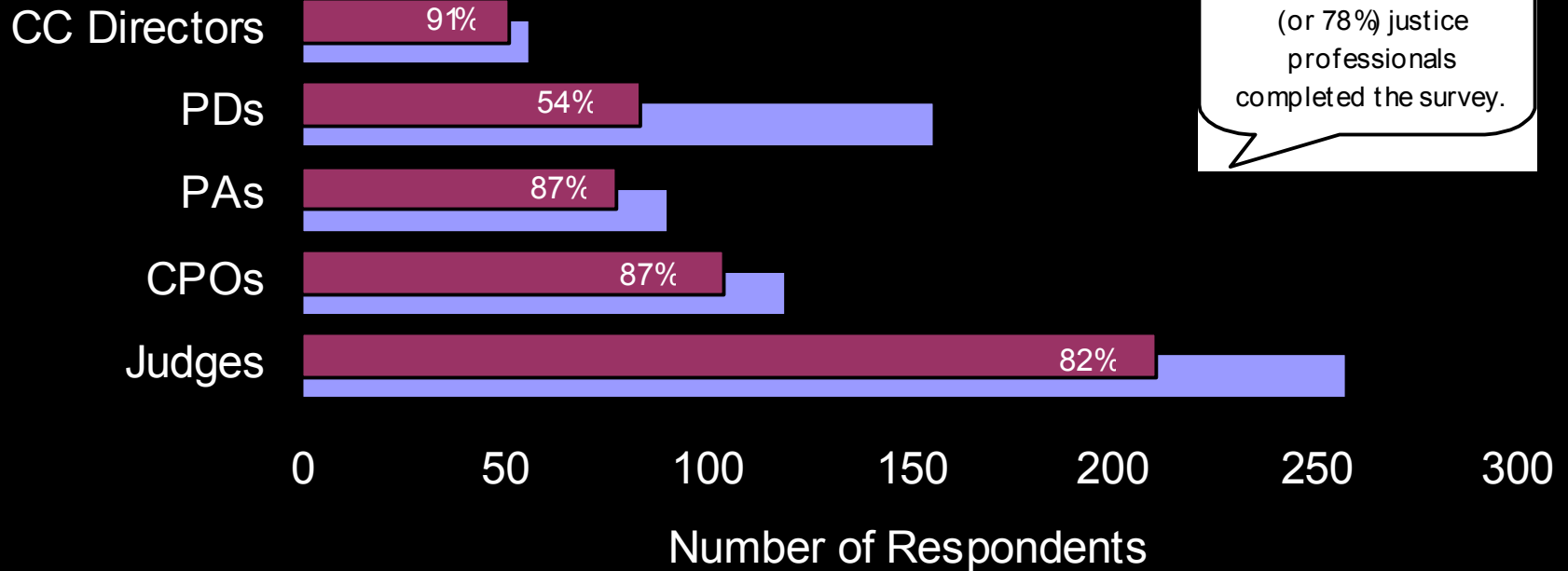
To enhance the response rate, a follow-up letter, a paper copy of the questionnaire, and a self-addressed, postage-paid return envelope were mailed to all individuals who had not yet responded as of May 24.

To ensure a maximum response rate, lead agency representatives and staff from the Indiana Criminal Justice Institute followed up via telephone with all non-respondents in each of the five groups to again encourage them to complete the survey questionnaire.

# Indiana Sentencing and Corrections Survey

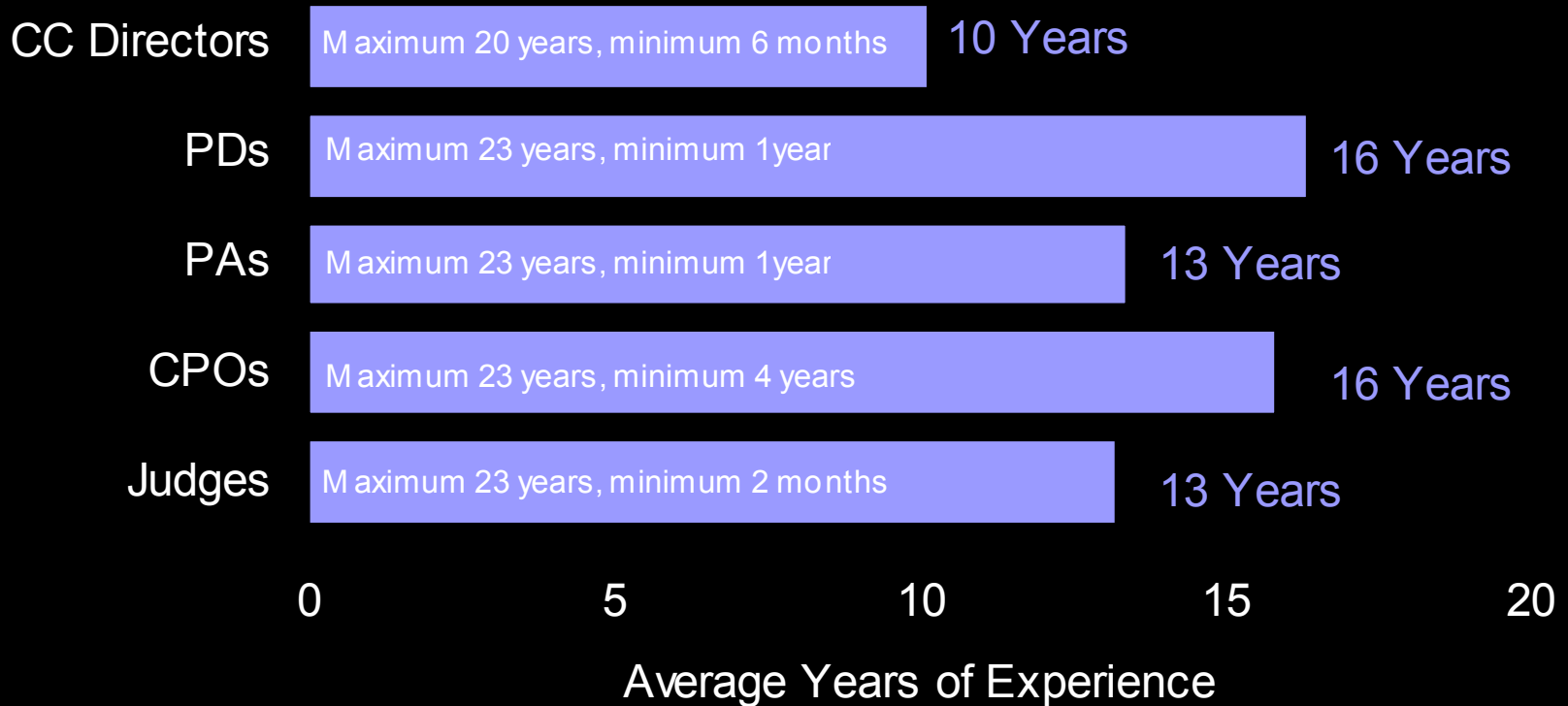
## RESPONSE RATE

■ No. Surveyed ■ No. Completing Survey



# Indiana Sentencing and Corrections Survey

## YEARS OF EXPERIENCE



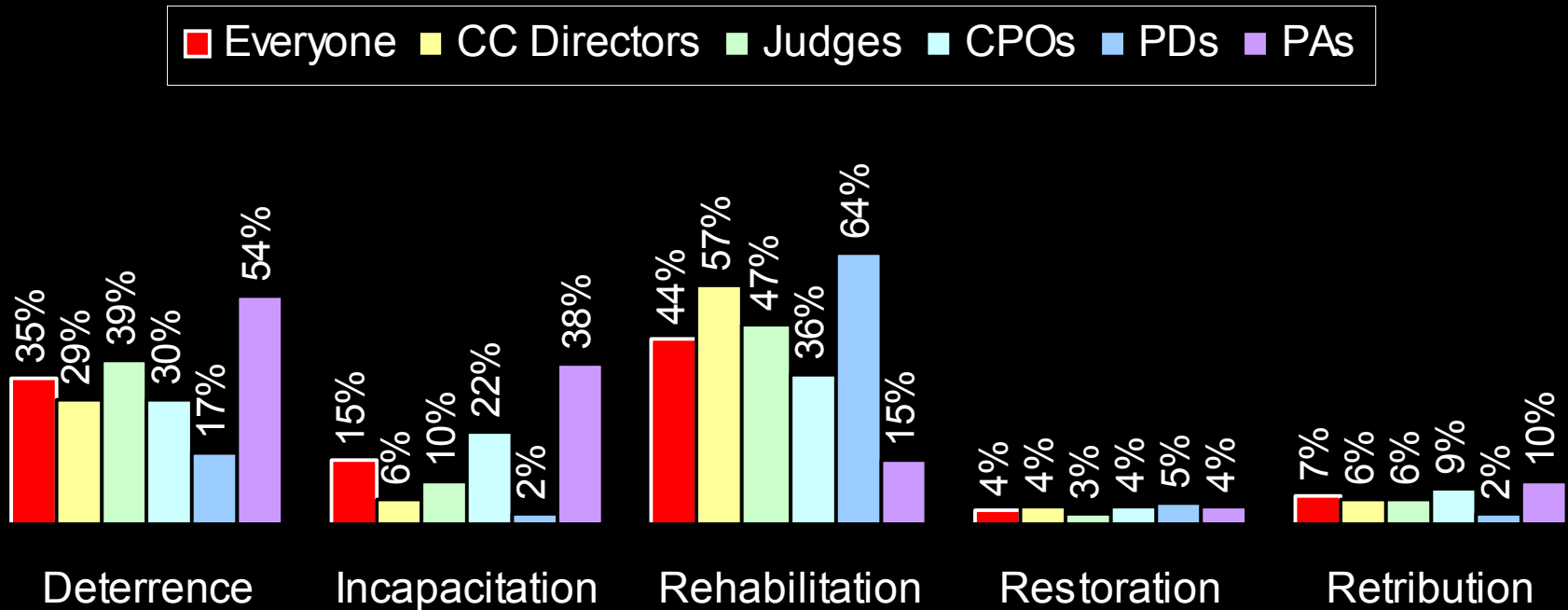
# Indiana Sentencing and Corrections Survey

## *FINDINGS*

- Most important goal of Indiana's criminal sentencing laws and policies
  - Extent of agreement that only appropriate offenders are in prison
  - Opinions on the effect of specific laws, policies, and practices on the length of prison sentences
  - Opinions about comprehensive offender reentry plans
  - Attitudes about early prison release/shorter prison terms when reentry plans are in place
  - Assessments of community capacity for sanctions, services, and treatment programs
- The one change to Indiana's criminal sentencing laws and policies that would reduce the likelihood of re-offense

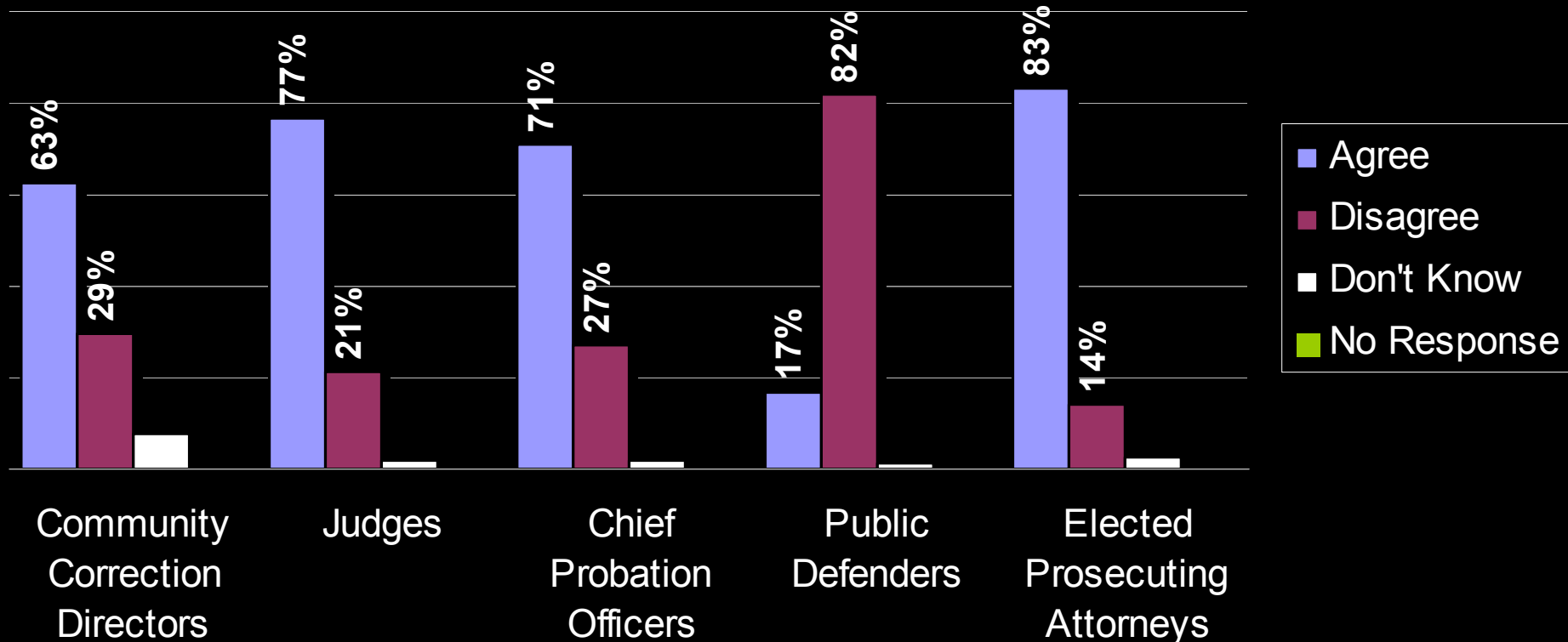
# Indiana Sentencing and Corrections Survey

## Most Important Goal of Indiana's Criminal Sentencing Laws and Policies



# Indiana Sentencing and Corrections Survey

**Only those individuals for whom incarceration is the most appropriate sentence are being sent to a state correctional facility from your community**





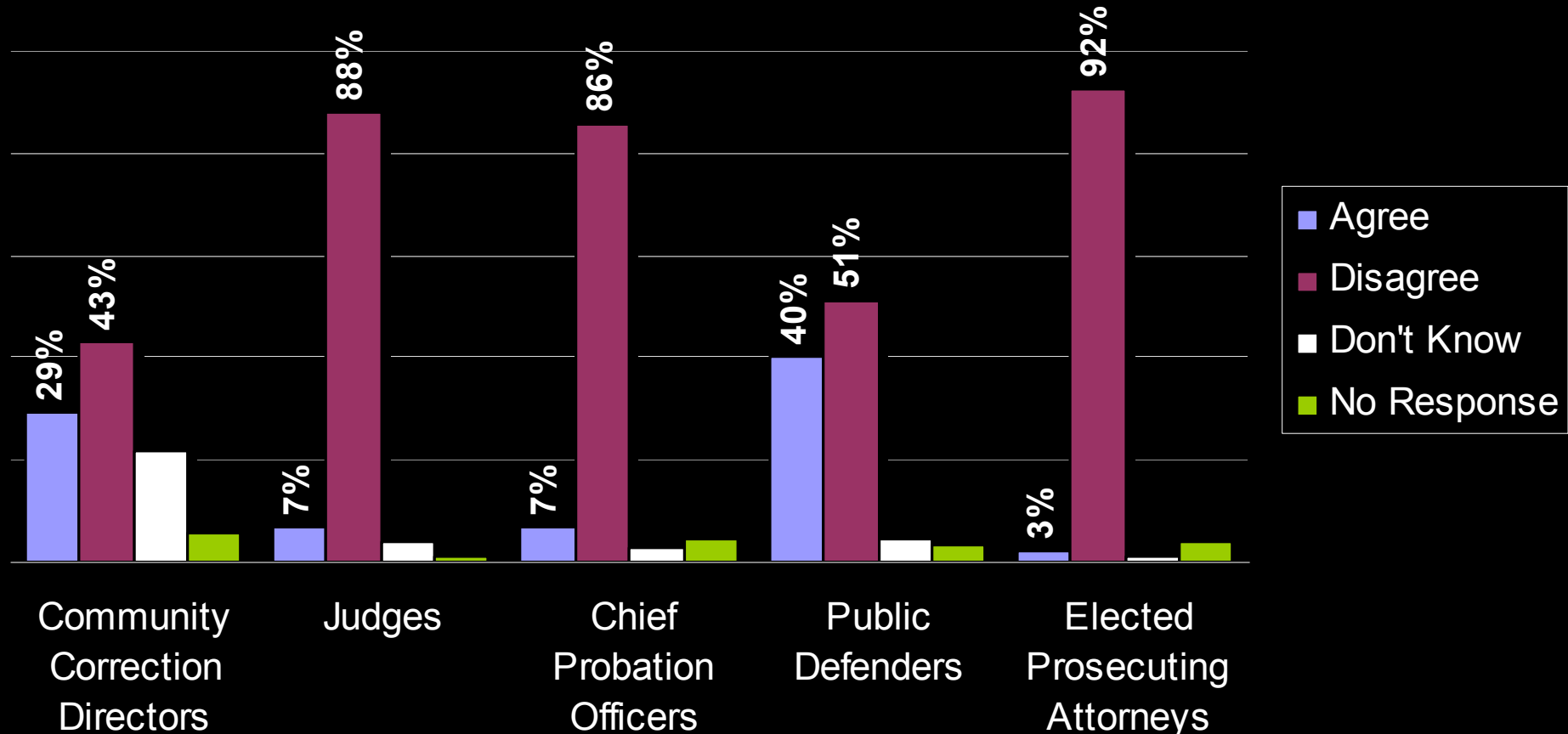
# Indiana Sentencing and Corrections Survey

## *EFFECT OF LAWS, POLICIES, AND PRACTICES ON LENGTH OF PRISON SENTENCES*

*...sometimes results in offenders  
receiving too much prison time.*

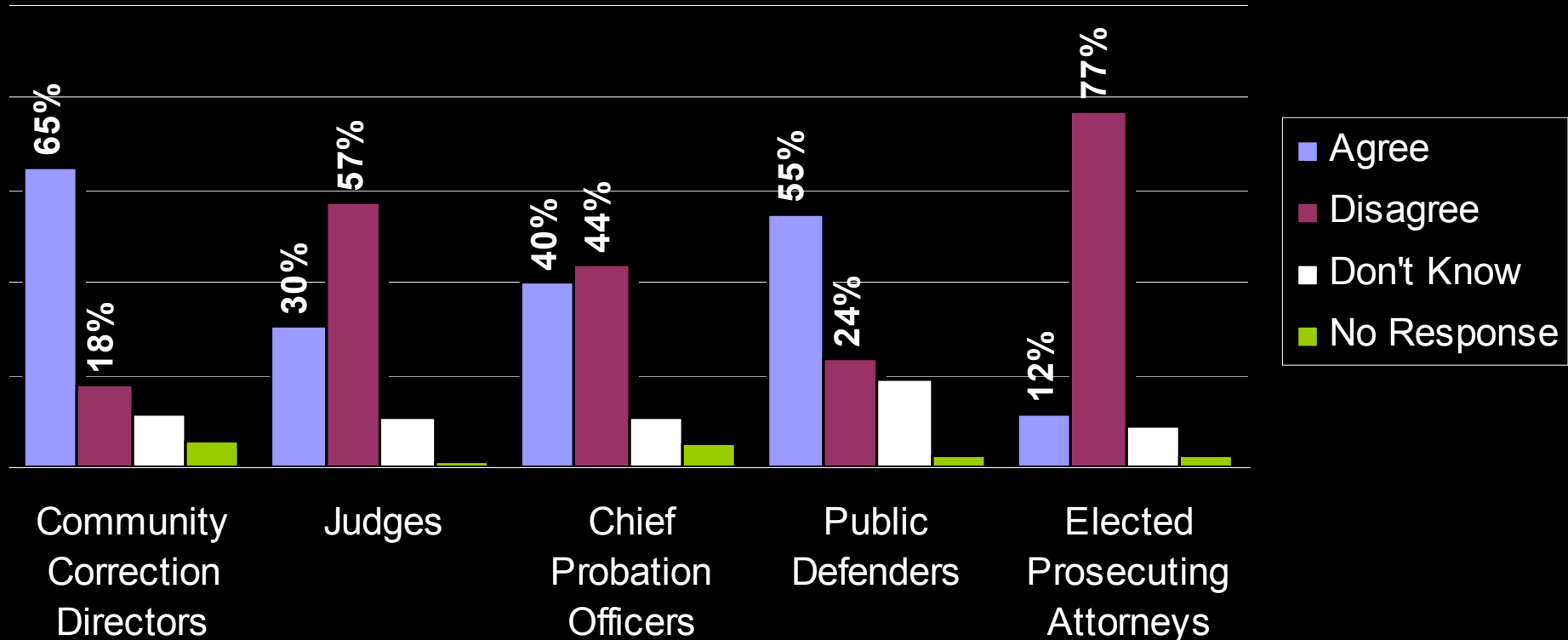
# Indiana Sentencing and Corrections Survey

***TOO MUCH PRISON TIME:***  
**Incomplete/unconfirmed information on the PSI**



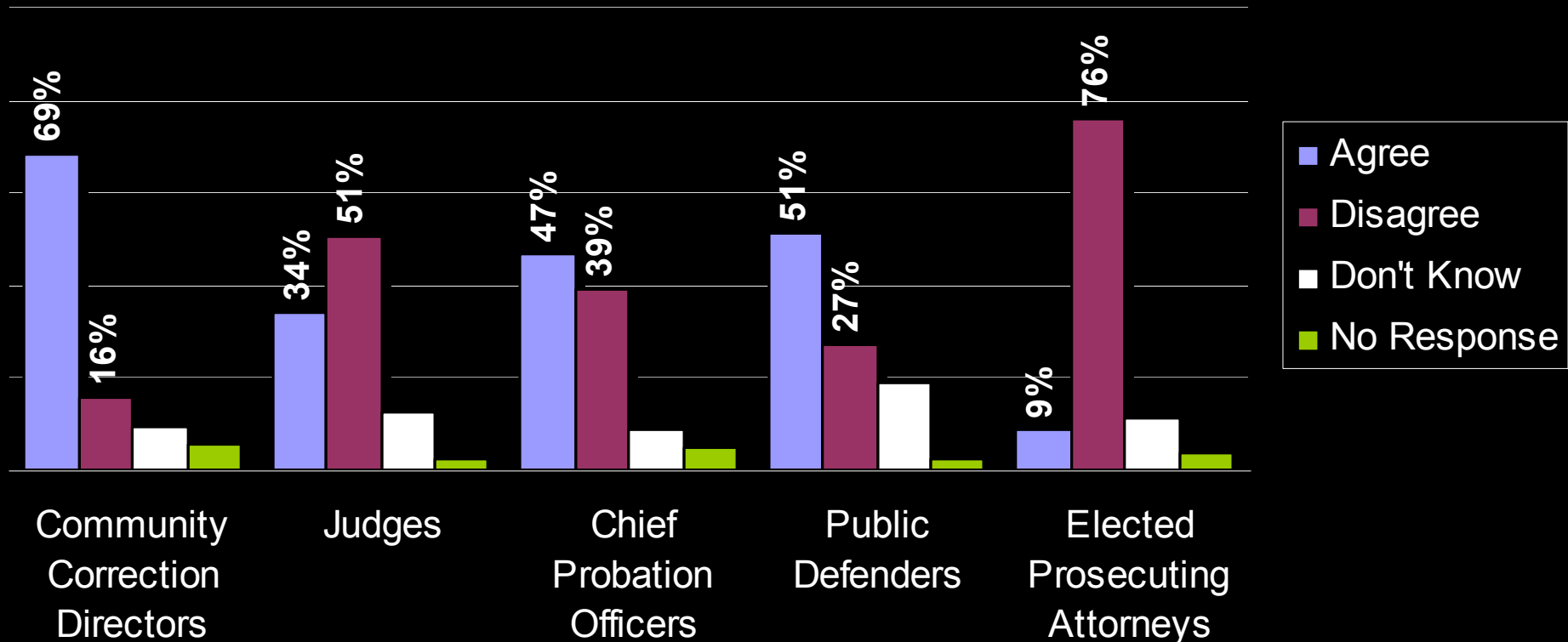
# Indiana Sentencing and Corrections Survey

***TOO MUCH PRISON TIME:***  
Insufficient use of research-based instruments  
for assessing offender service/program needs



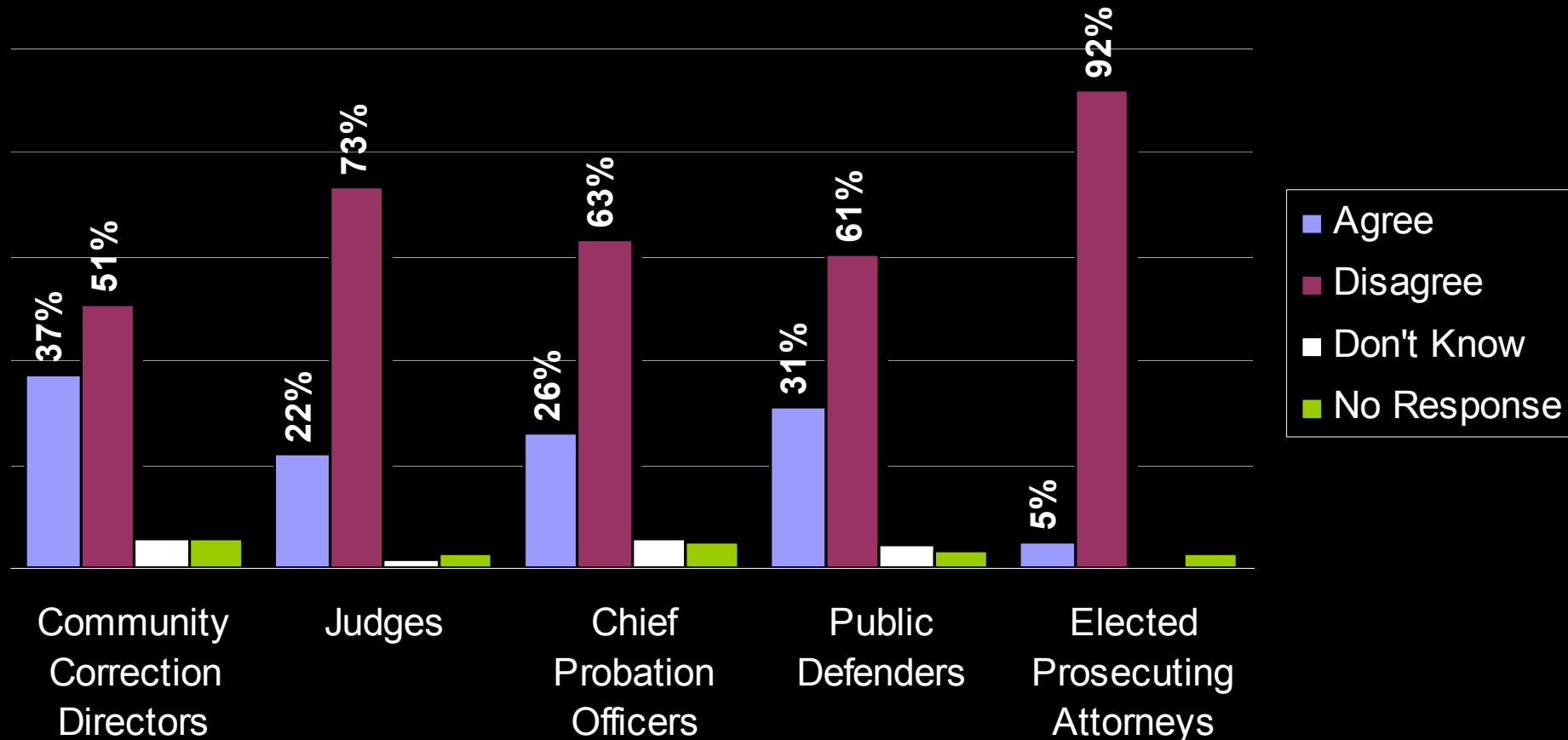
# Indiana Sentencing and Corrections Survey

***TOO MUCH PRISON TIME:***  
**Insufficient use of research-based instruments  
for assessing the risk of re-offending**



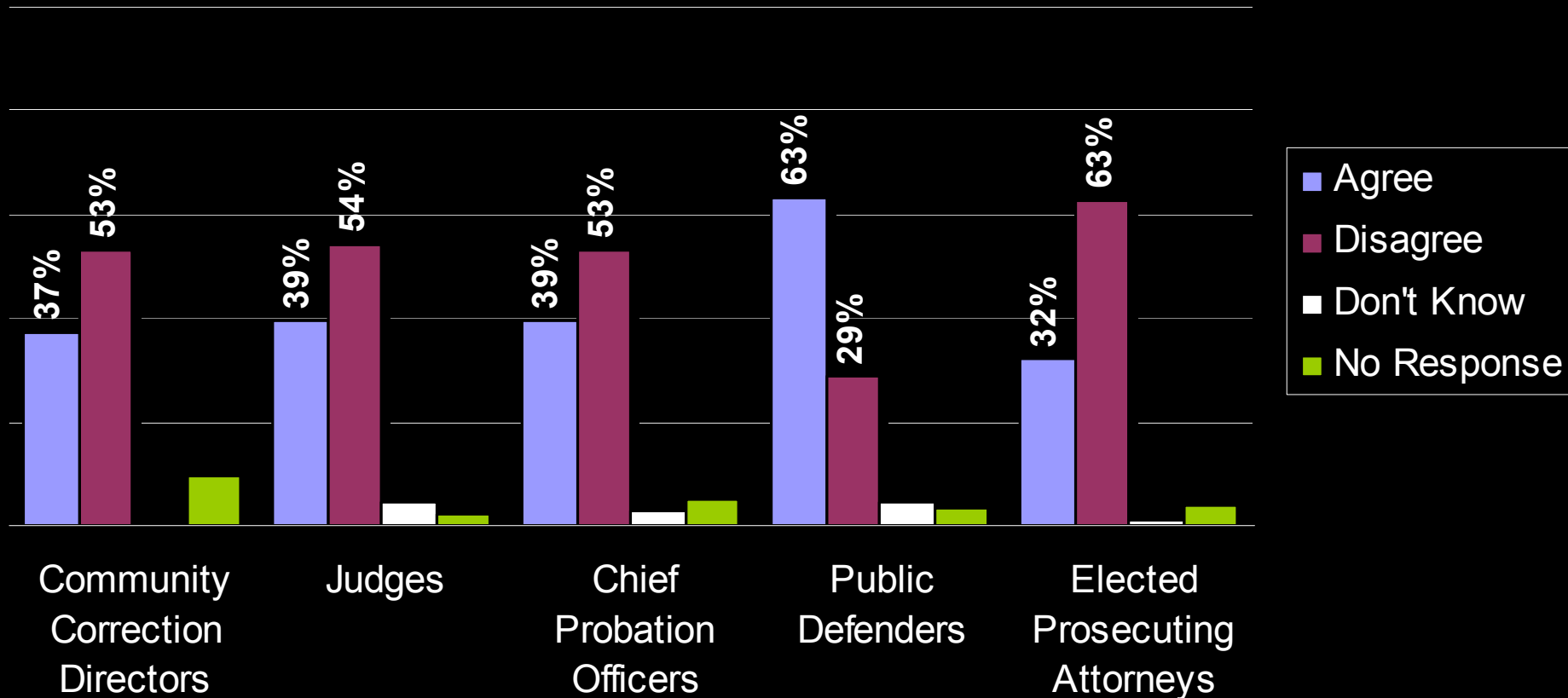
# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:* Plea agreements



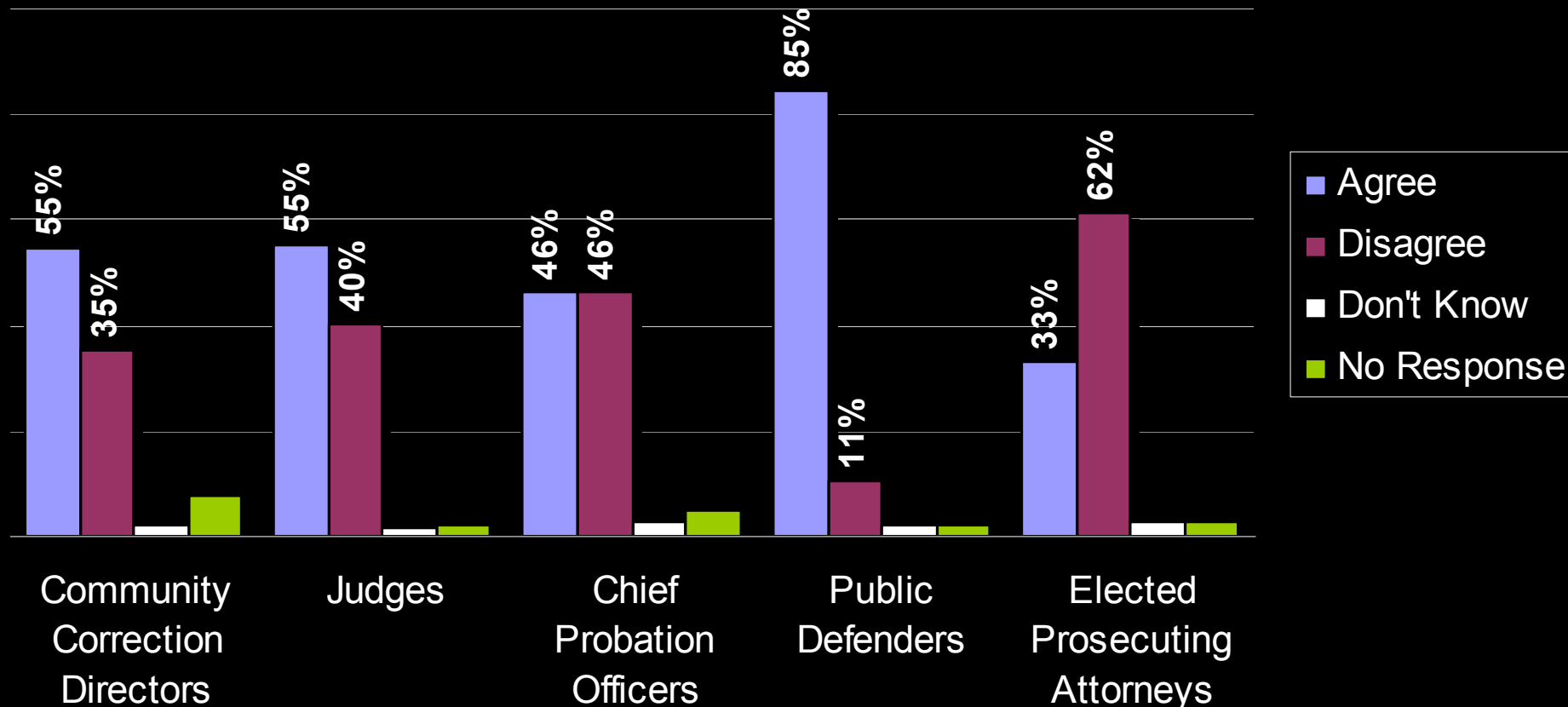
# Indiana Sentencing and Corrections Survey

## ***TOO MUCH PRISON TIME:*** **Lack of community-based sanctions**



# Indiana Sentencing and Corrections Survey

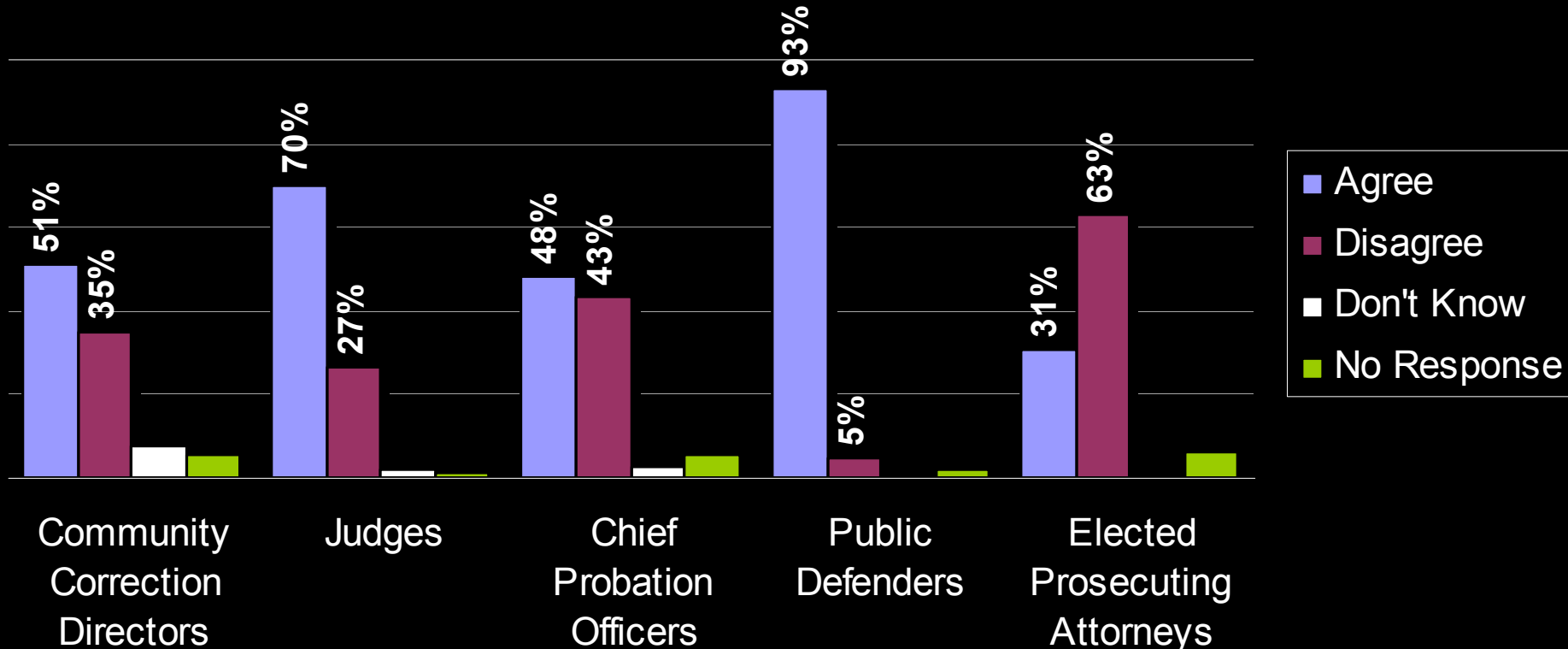
***TOO MUCH PRISON TIME:***  
Insufficient capacity in existing alternatives to incarceration



# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

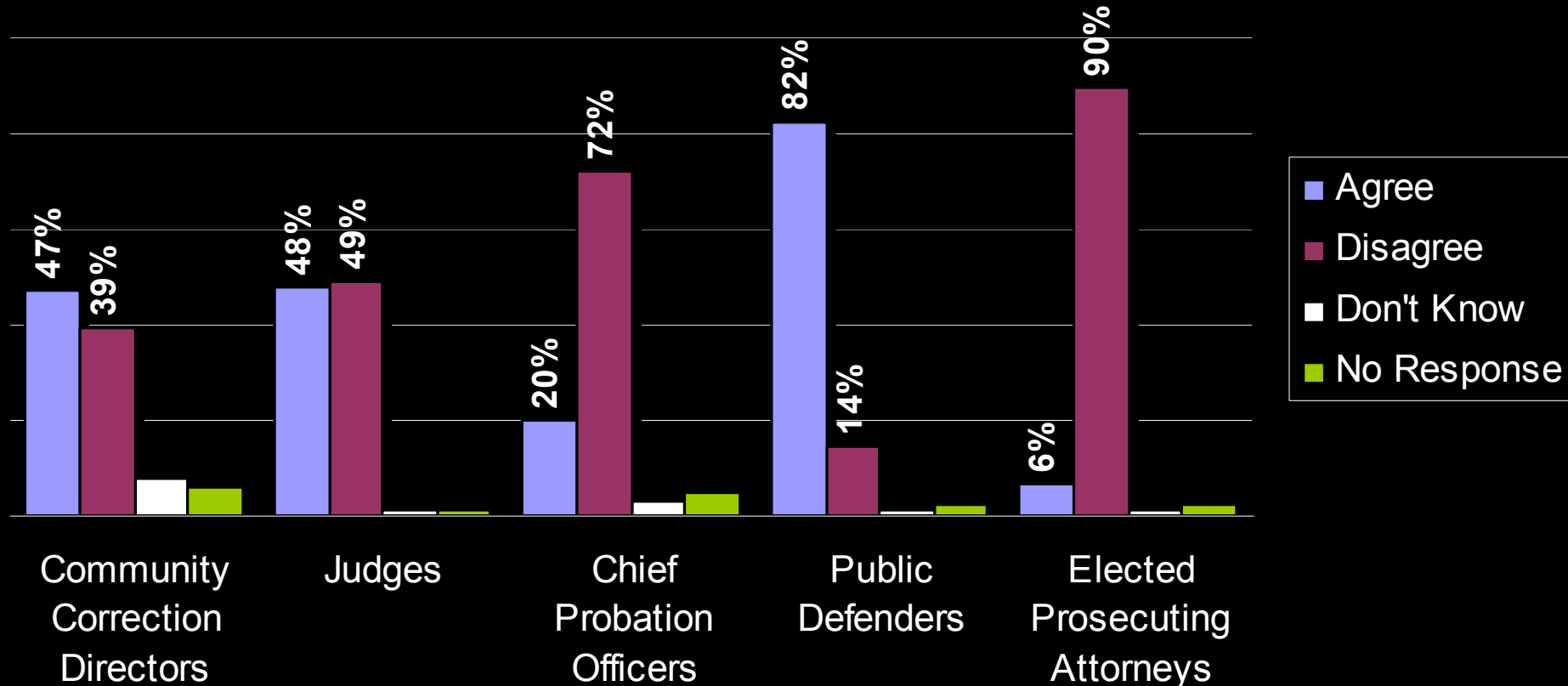
**Statutes requiring some drug offenses to be charged as higher level felonies depending on quantity of drug involved; age of seller/possessor; or proximity to schools, parks, etc.**





# Indiana Sentencing and Corrections Survey

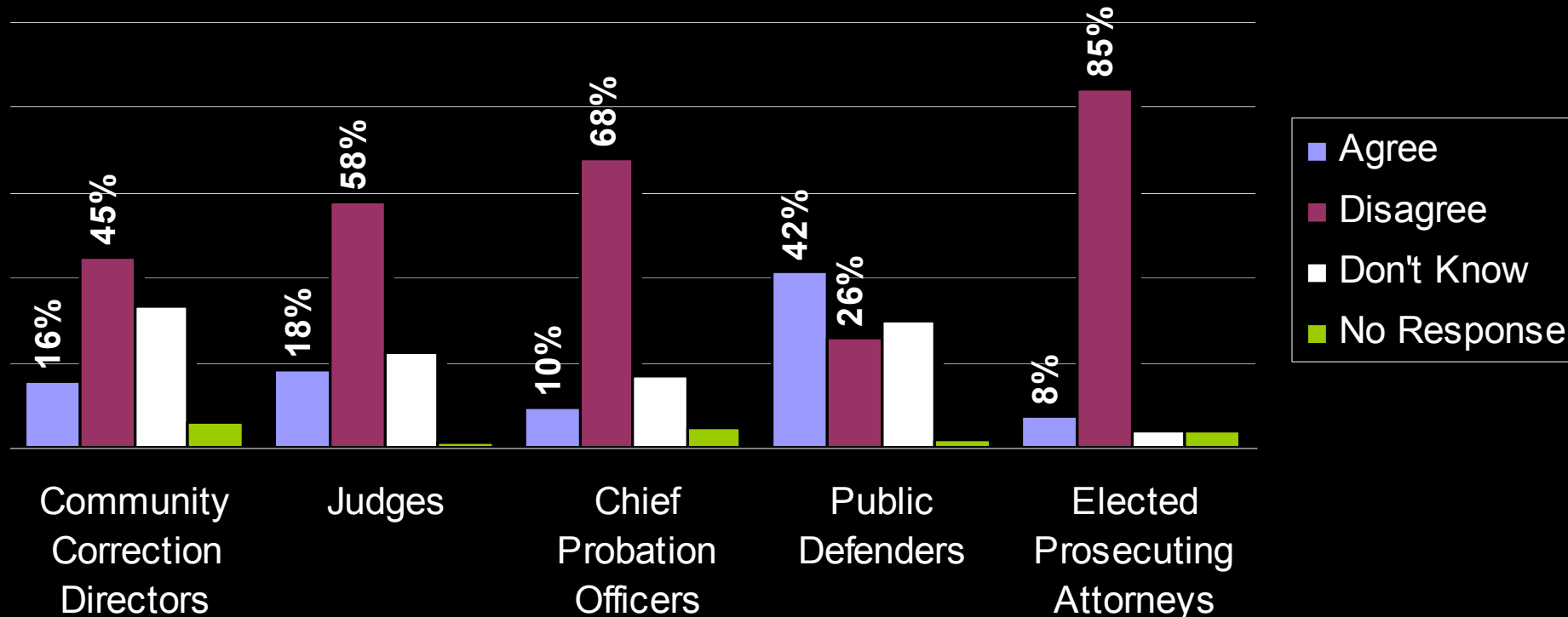
***TOO MUCH PRISON TIME:***  
**Statutes requiring an additional fixed-term  
for habitual offenders**



# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

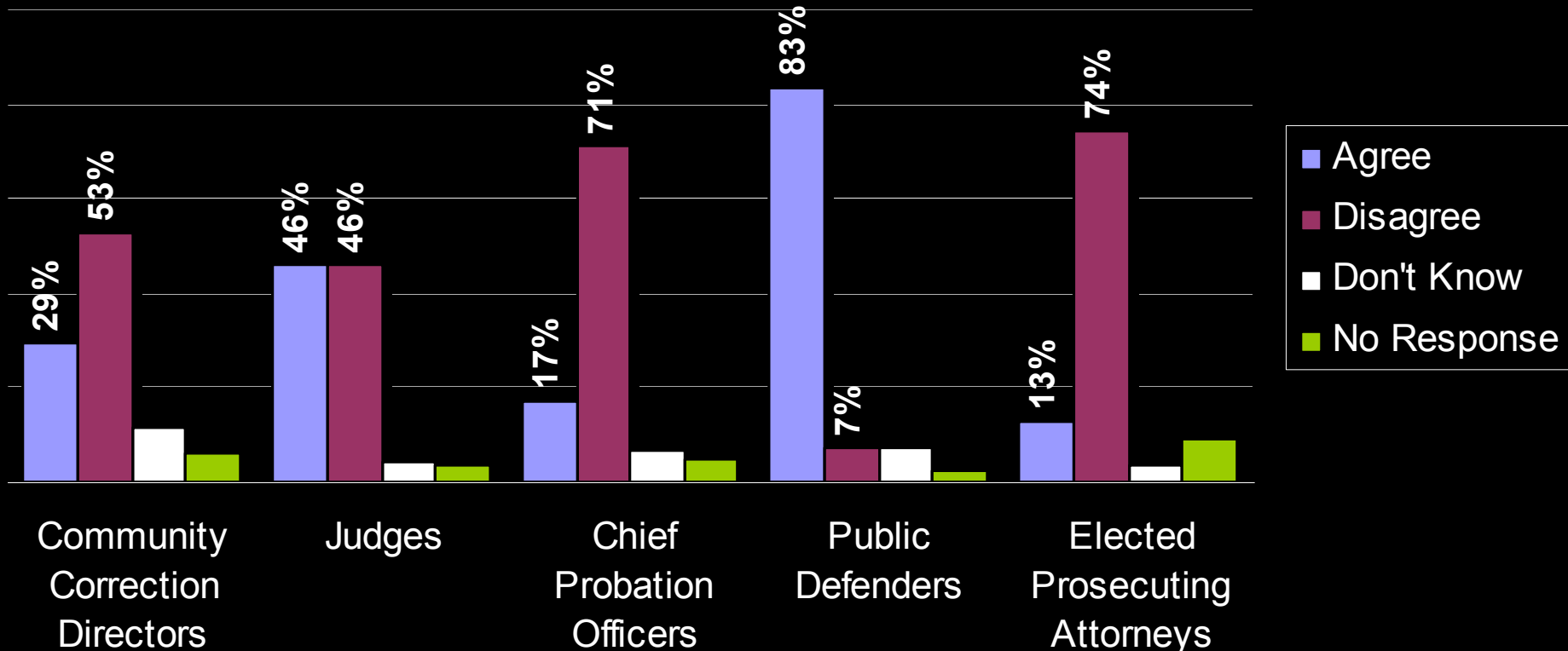
**Statutes limiting the amount of a sentence  
that can be suspended for voluntary manslaughter  
committed by means of a deadly weapon**



# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

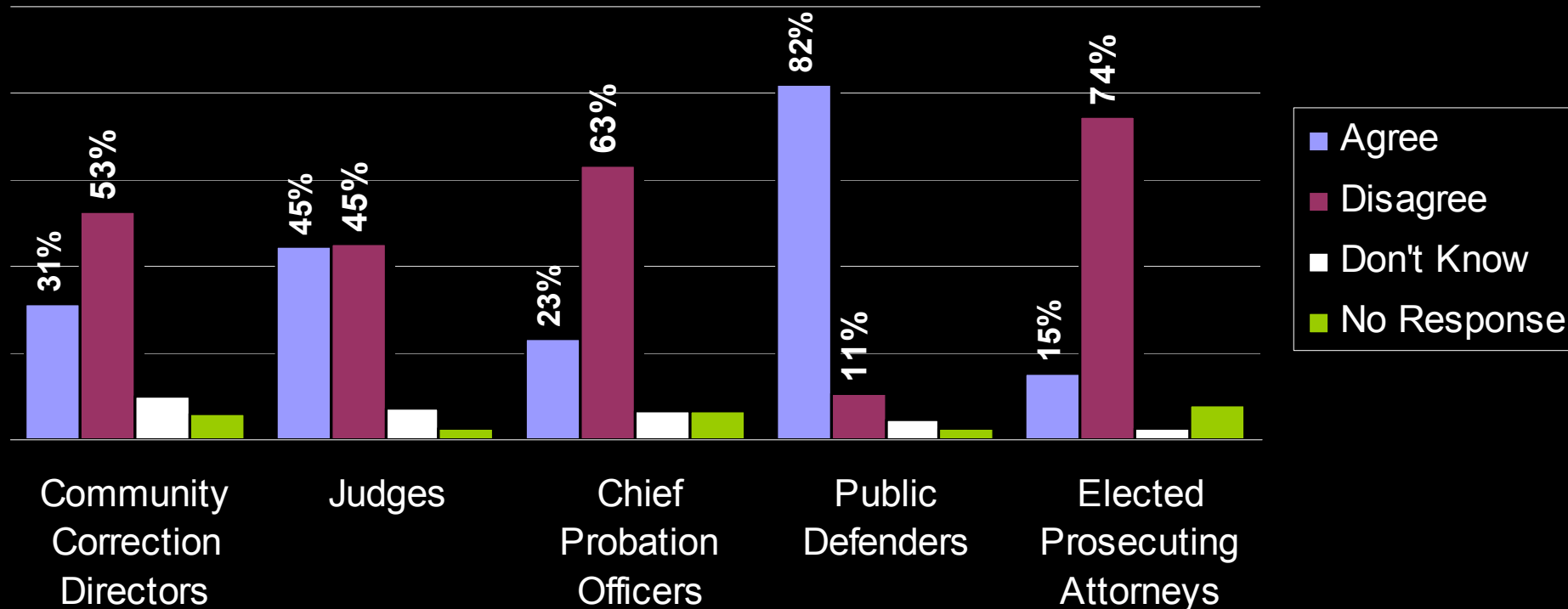
**Statutes limiting the amount of a sentence that can be  
suspended for a felony listed in IC 35-50-2-2(4)**



# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

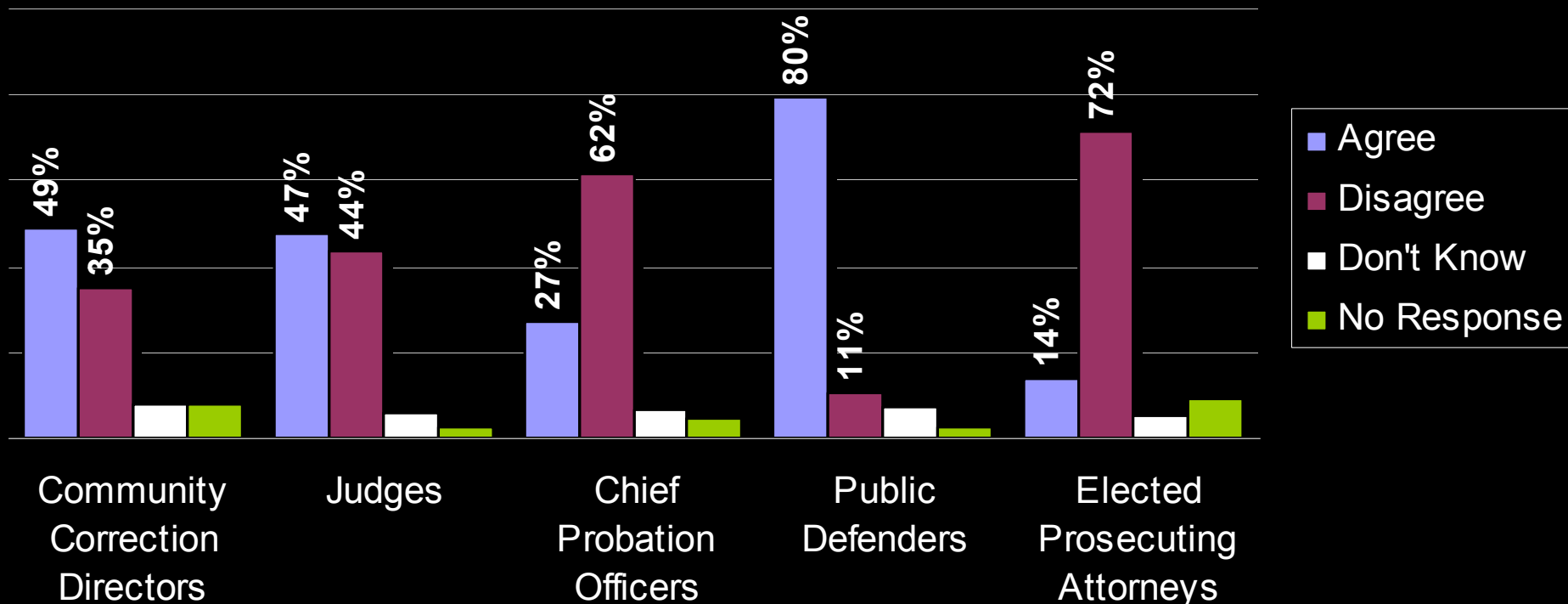
**Statutes limiting the amount of a sentence  
that can be suspended for Class A or B felonies  
when there is a prior unrelated felony conviction**



# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

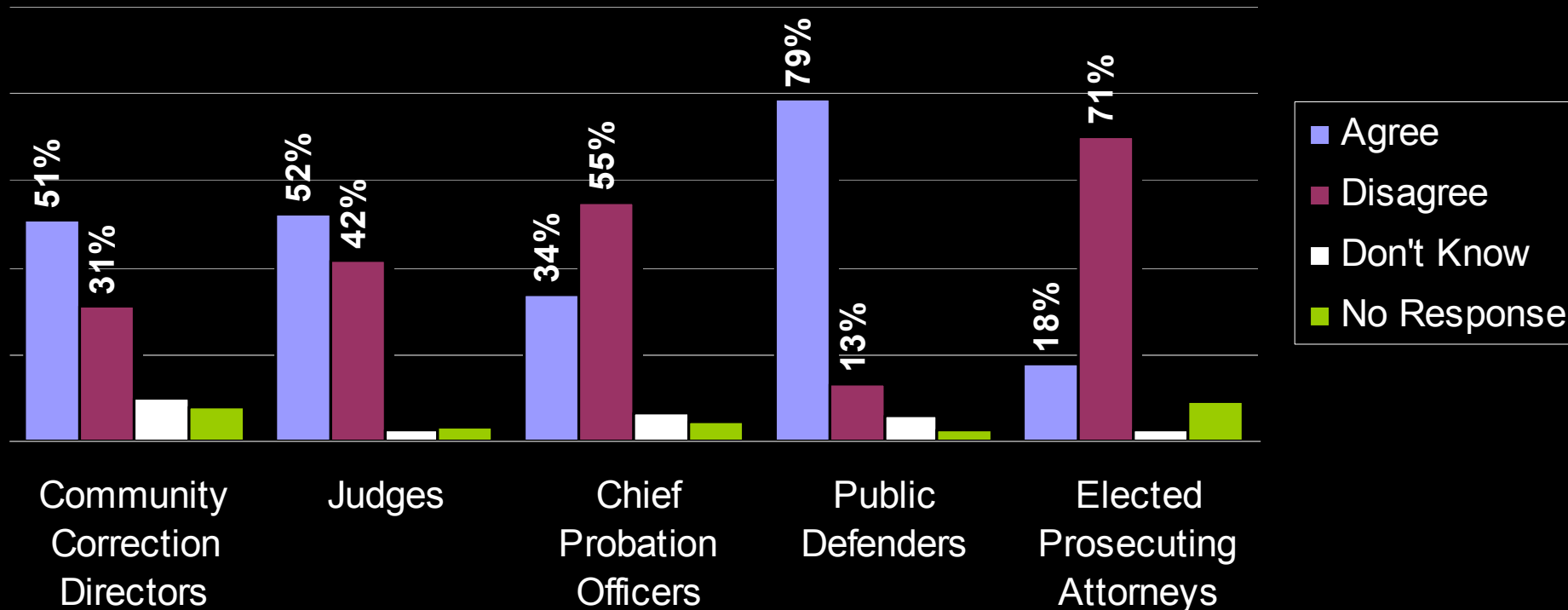
**Statutes limiting the amount of a sentence that can be suspended for Class C felonies when less than 7 years have elapsed since release for a prior unrelated felony conviction**



# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

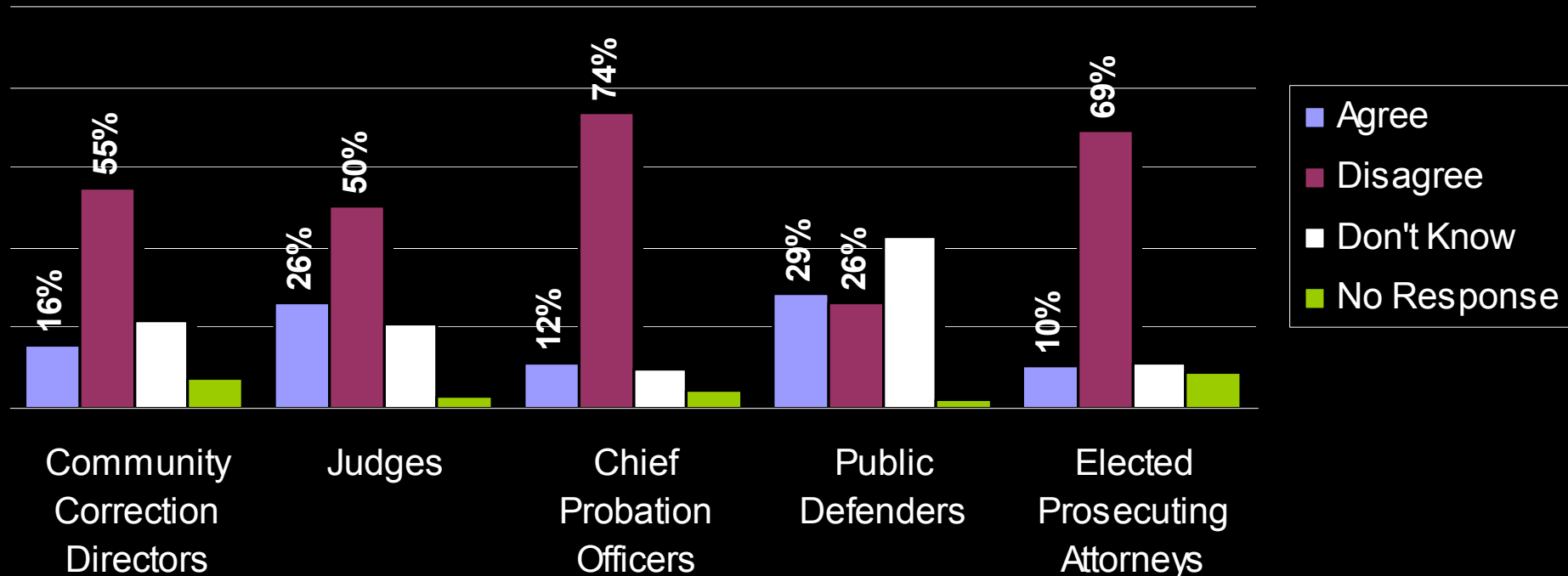
**Statutes limiting the amount of a sentence that can be suspended for Class D felonies when less than 3 years have elapsed since release for a prior unrelated felony conviction**



# Indiana Sentencing and Corrections Survey

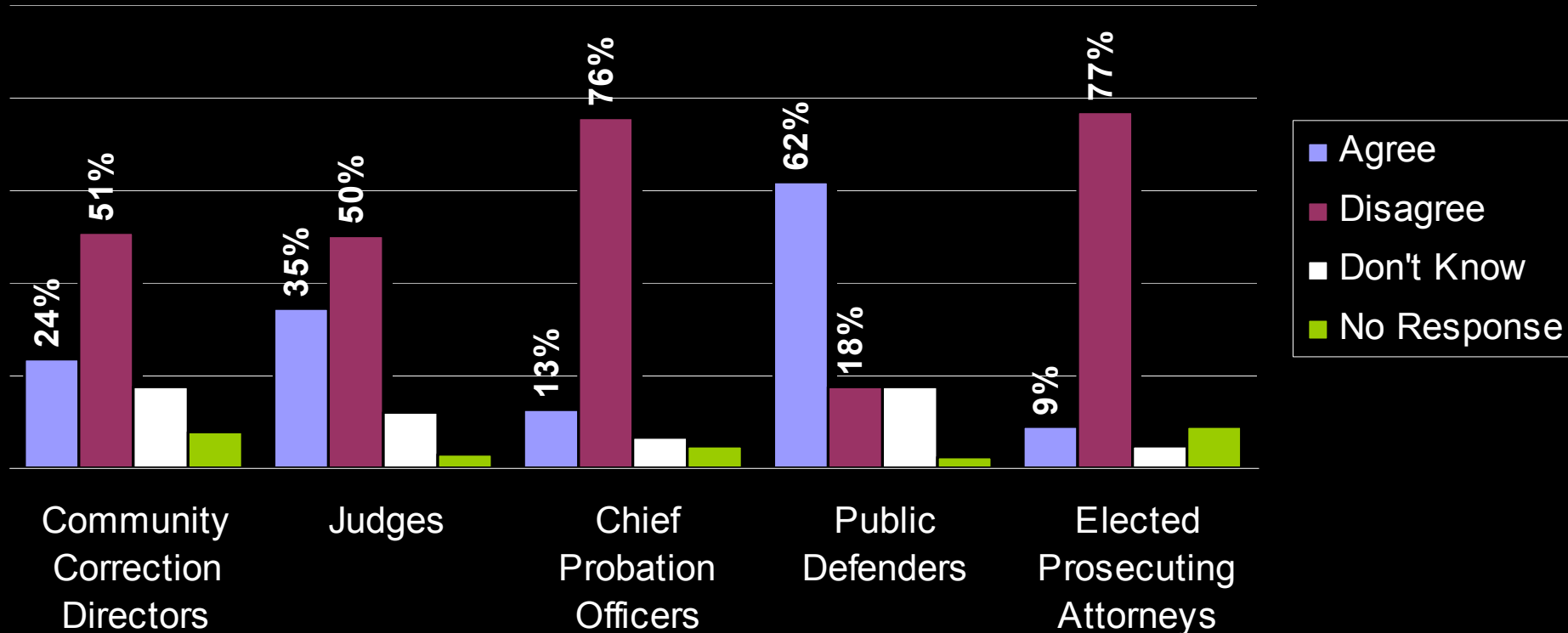
## *TOO MUCH PRISON TIME:*

**Statutes requiring a nonsuspendable prison term  
for knowingly or intentionally providing a child with  
or permitting a child to have a firearm**



# Indiana Sentencing and Corrections Survey

***TOO MUCH PRISON TIME:***  
**Statutes requiring a nonsuspendable prison term for  
possessing cocaine while possessing a firearm**

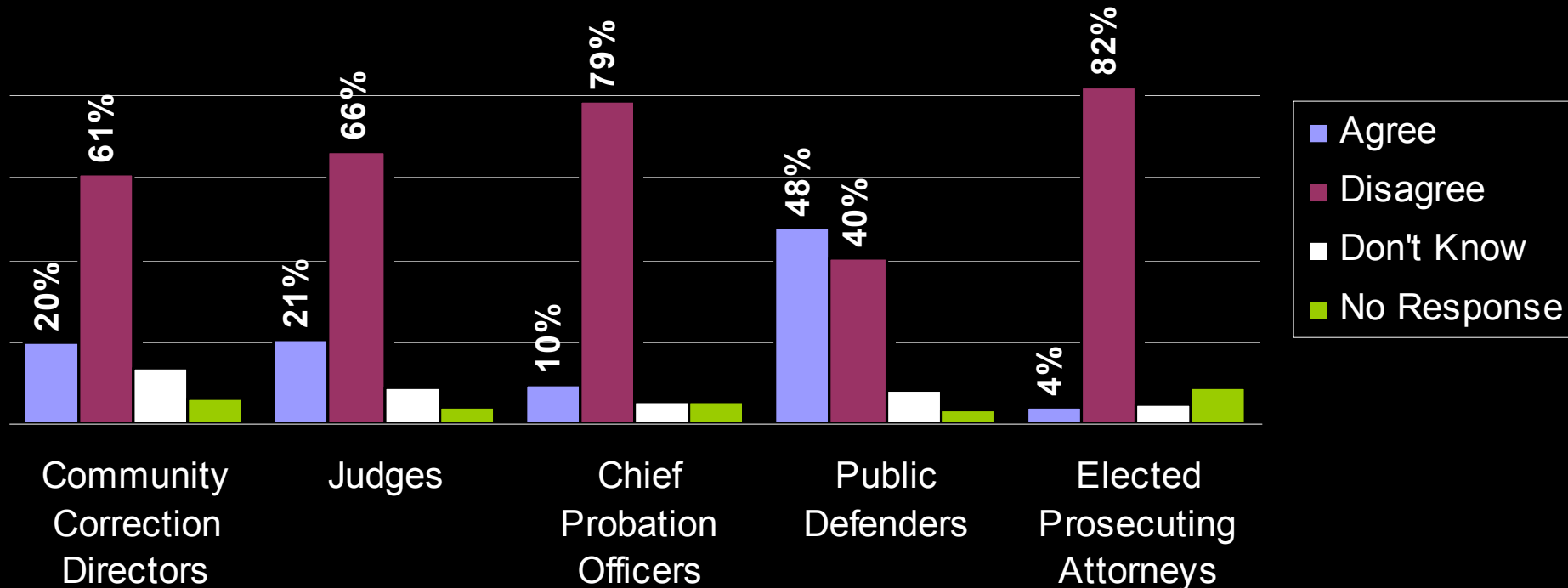




# Indiana Sentencing and Corrections Survey

## *TOO MUCH PRISON TIME:*

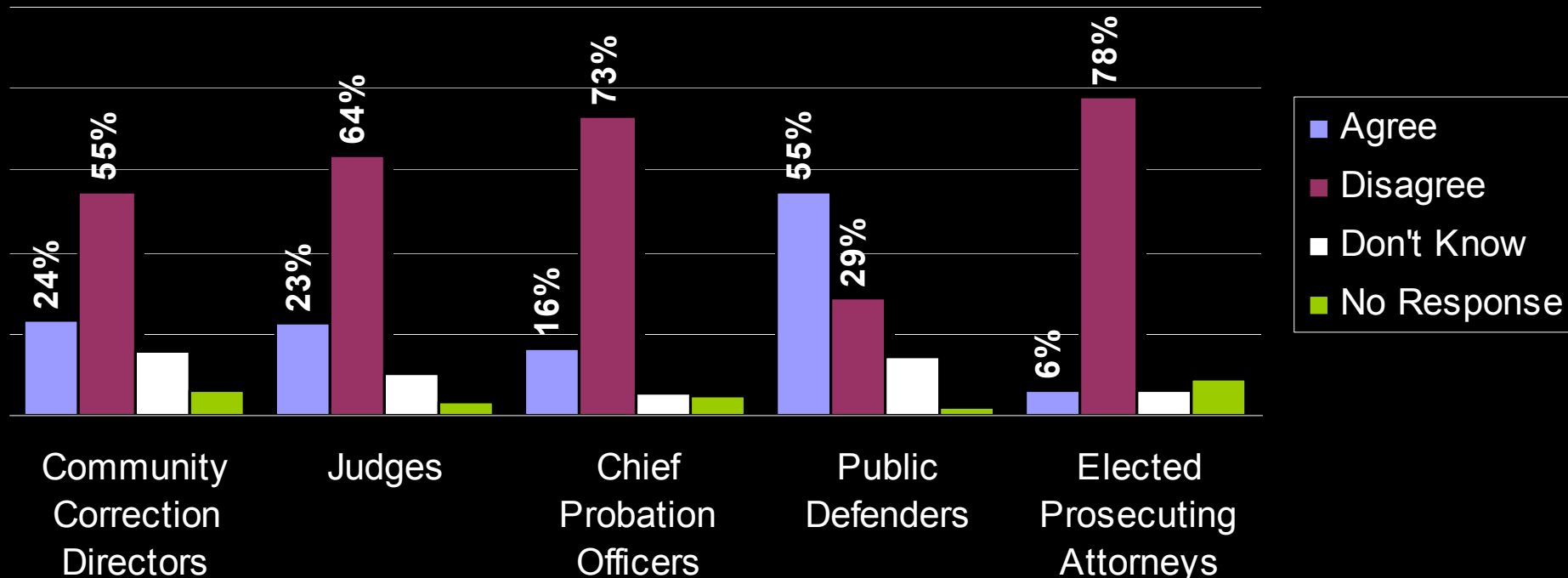
**Statutes requiring a nonsuspendable additional prison term  
when a firearm is used during the commission  
of an offense listed in IC 35-50-2-11**



# Indiana Sentencing and Corrections Survey

## ***TOO MUCH PRISON TIME:***

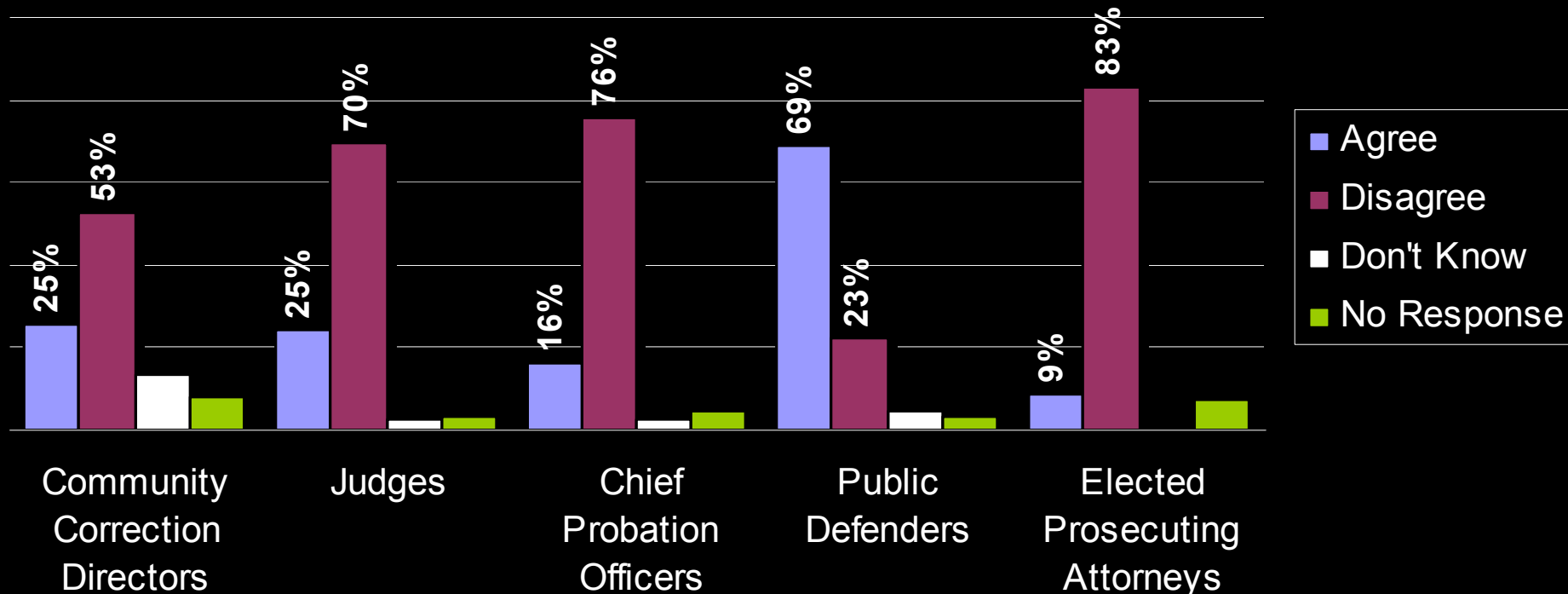
**Statutes requiring that the additional prison term when a  
firearm is used during the commission of an offense in IC 35-50  
2-11 be served consecutively to the underlying offense**



# Indiana Sentencing and Corrections Survey

## ***TOO MUCH PRISON TIME:***

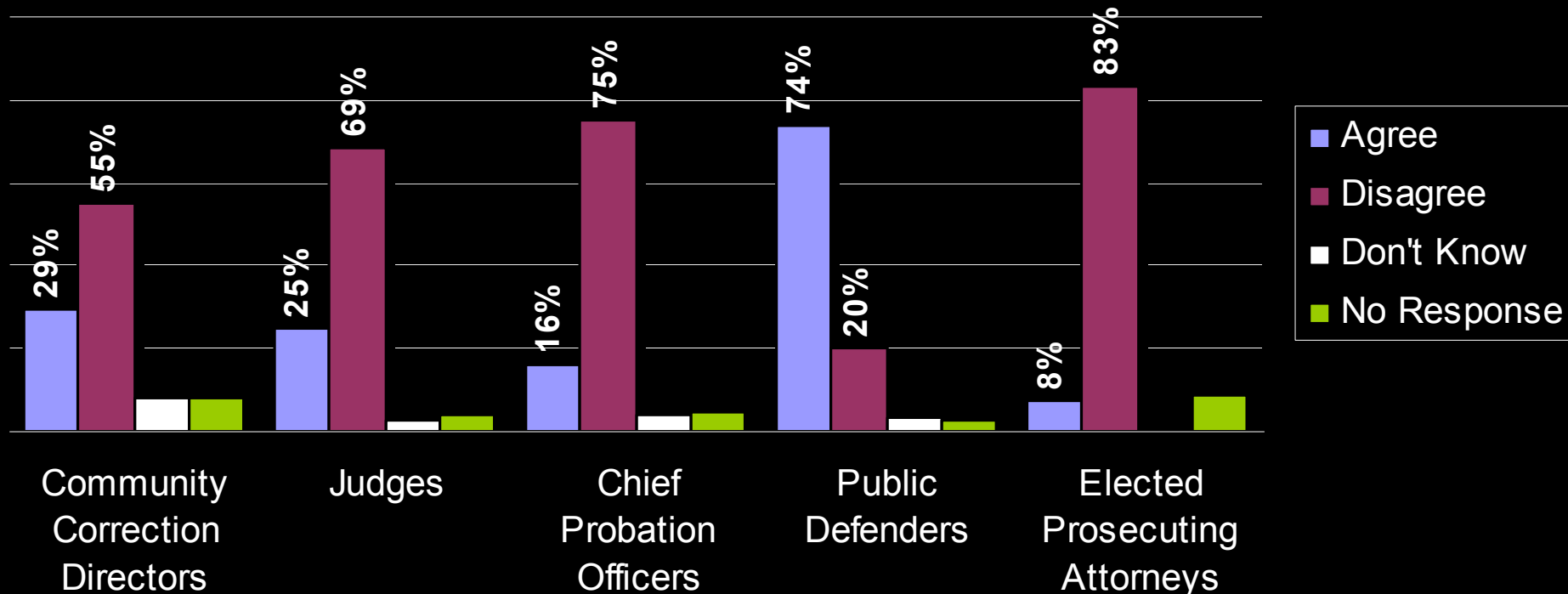
**Statutes requiring that prison terms for a previous crime  
and a new crime committed before release for the previous  
crime be served consecutively**



# Indiana Sentencing and Corrections Survey

## ***TOO MUCH PRISON TIME:***

**Statutes requiring that prison terms for an initial crime and a subsequent crime committed while released on bond or one's own recognizance for the initial crime be served consecutively**



# Indiana Sentencing and Corrections Survey

- Respondents were asked to check the five (5) laws, policies, and practices they believe are the most likely to result in sentences involving too much prison time.
- The two items checked by most respondents were:
  - Statutes requiring some drug offenses to be charged as higher level felonies depending on the quantity of drug involved; age of seller and possessor; or proximity to schools, parks, etc. (44%)
  - Insufficient capacity in existing alternatives to incarceration (42%)
- The percent of respondents checking other items ranged from 2% to 33%.

# Indiana Sentencing and Corrections Survey

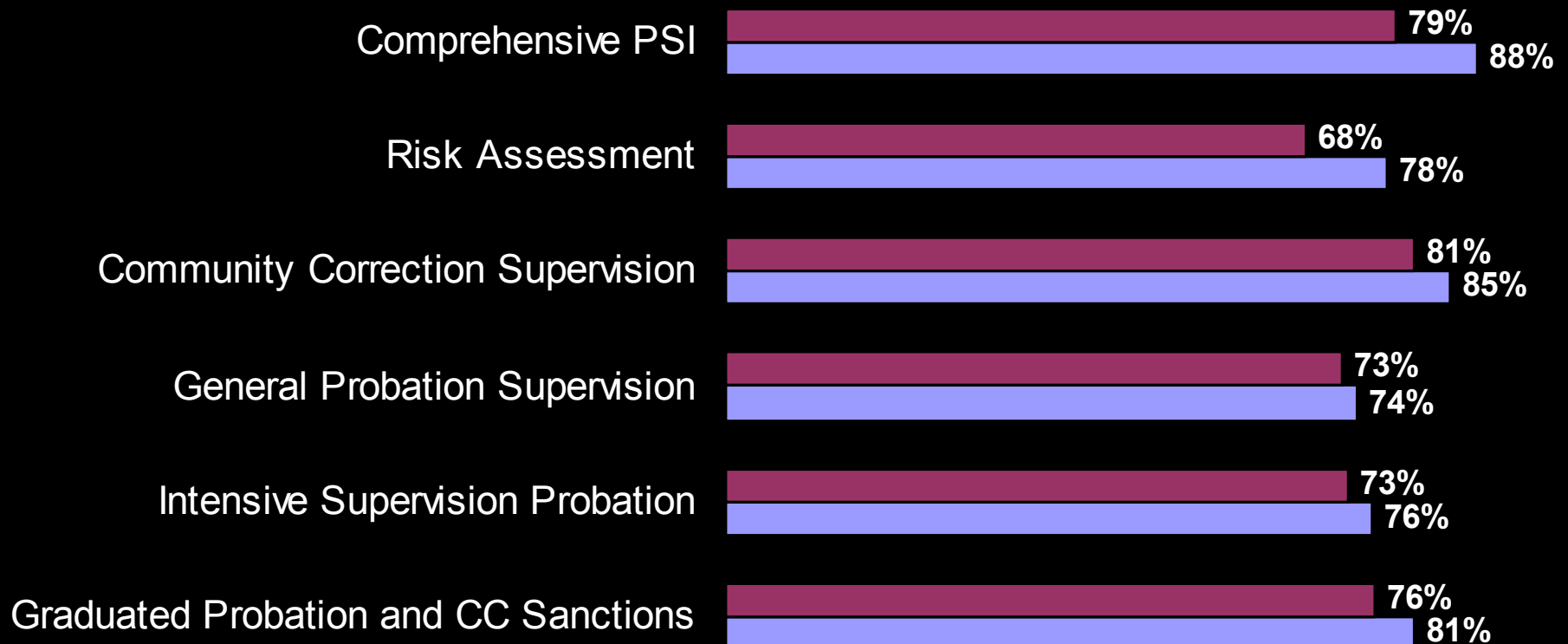
## *COMPREHENSIVE OFFENDER REENTRY PLANS*

- What tools or components do we need?
- When should they be developed and why?
- Who should monitor them and why?
- Who is inappropriate for a shorter prison term with community supervision under a Reentry Plan?
- Excluding inappropriate offenders, would you favor or disfavor early prison release under a Reentry Plan?

# Indiana Sentencing and Corrections Survey

## COMPONENTS OF REENTRY PLANS (1)

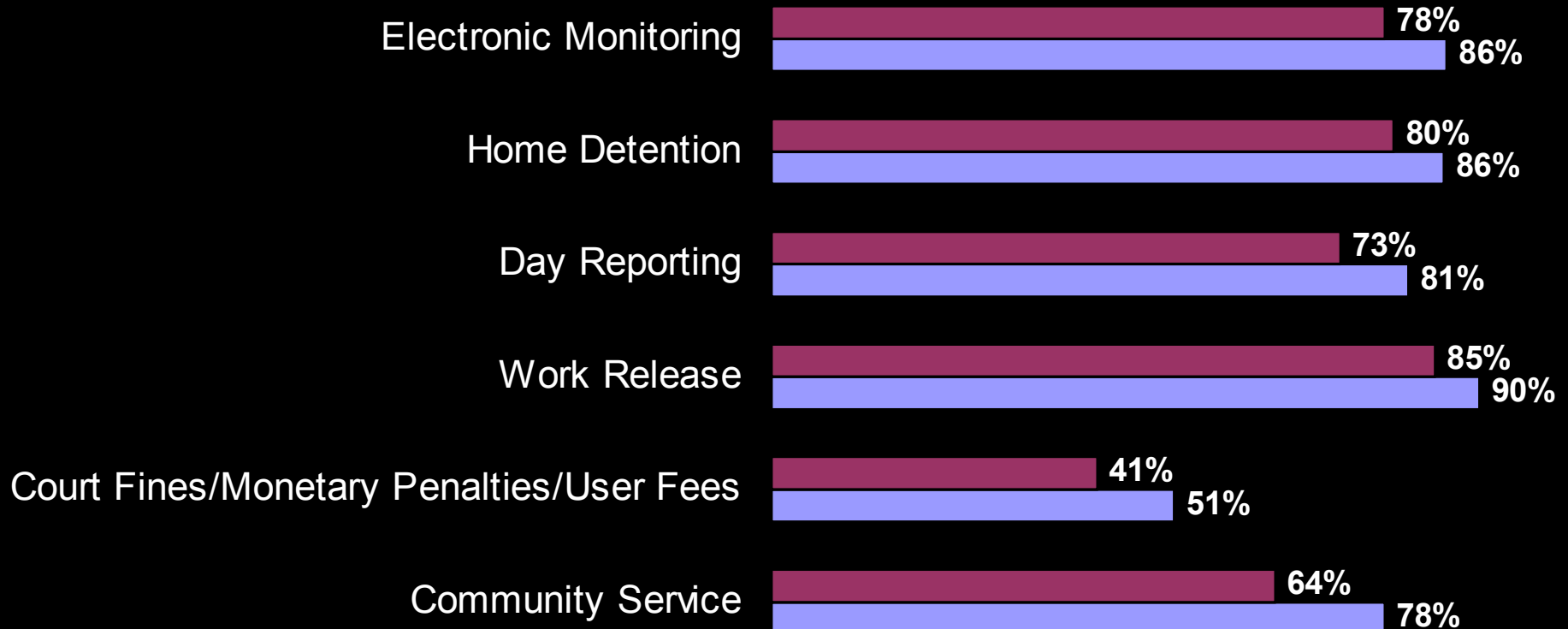
■ Should be available if resources not an obstacle ■ Important even if resources limited



# Indiana Sentencing and Corrections Survey

## COMPONENTS OF REENTRY PLANS (2)

■ Should be available if resources not an obstacle ■ Important even if resources limited

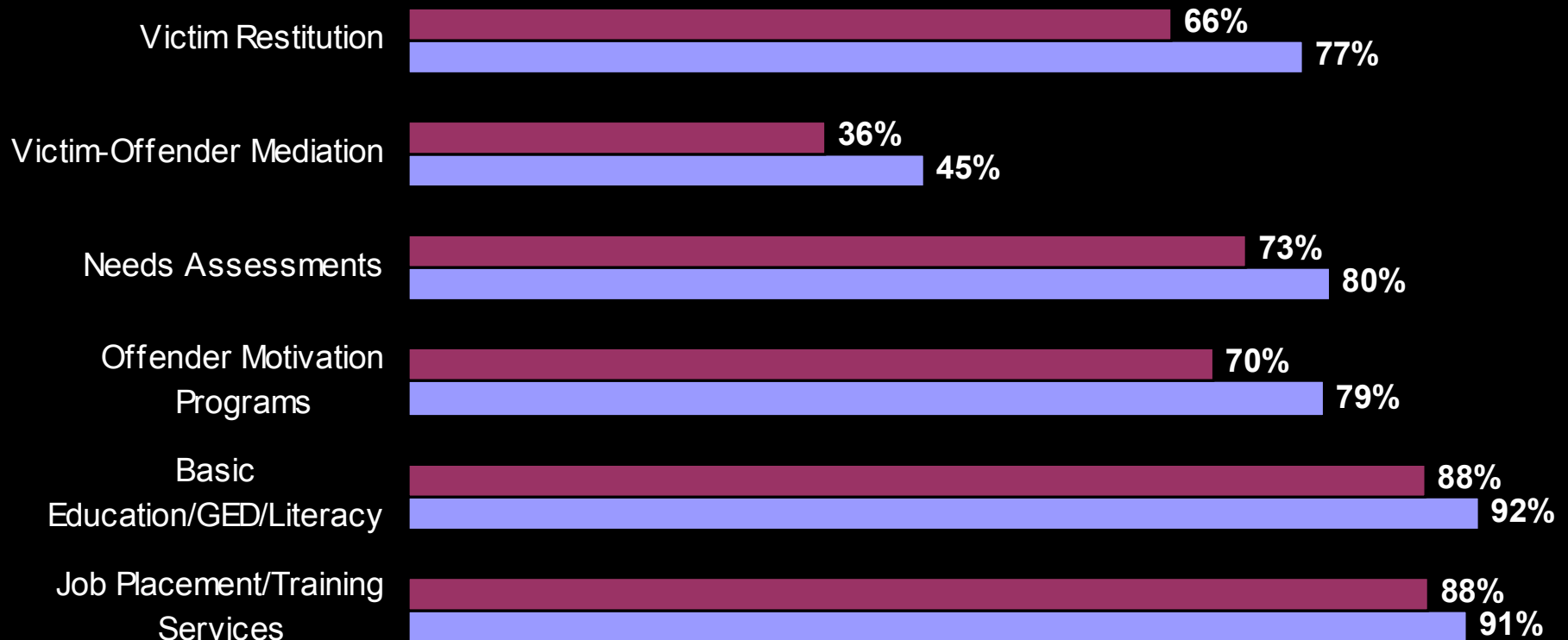




# Indiana Sentencing and Corrections Survey

## COMPONENTS OF REENTRY PLANS (3)

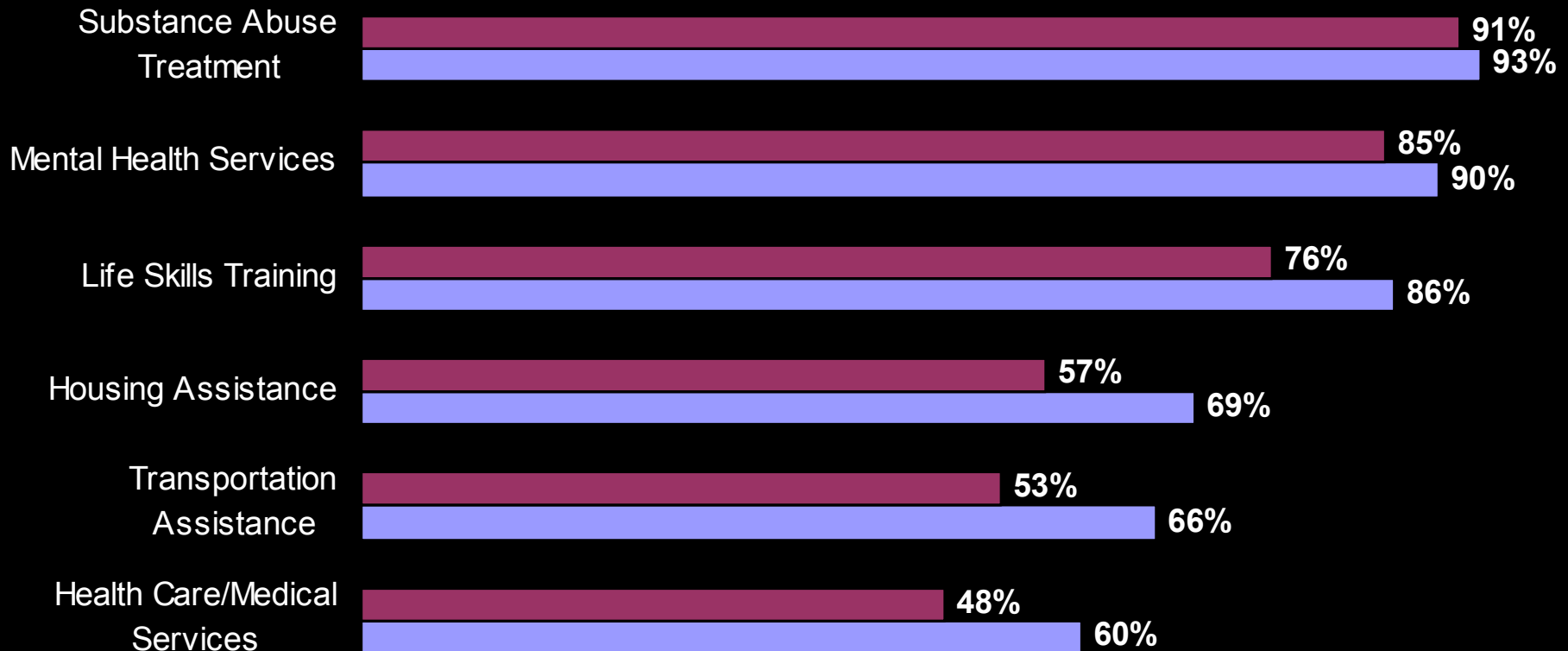
■ Should be available if resources not an obstacle ■ Important even if resources limited



# Indiana Sentencing and Corrections Survey

## COMPONENTS OF REENTRY PLANS (4)

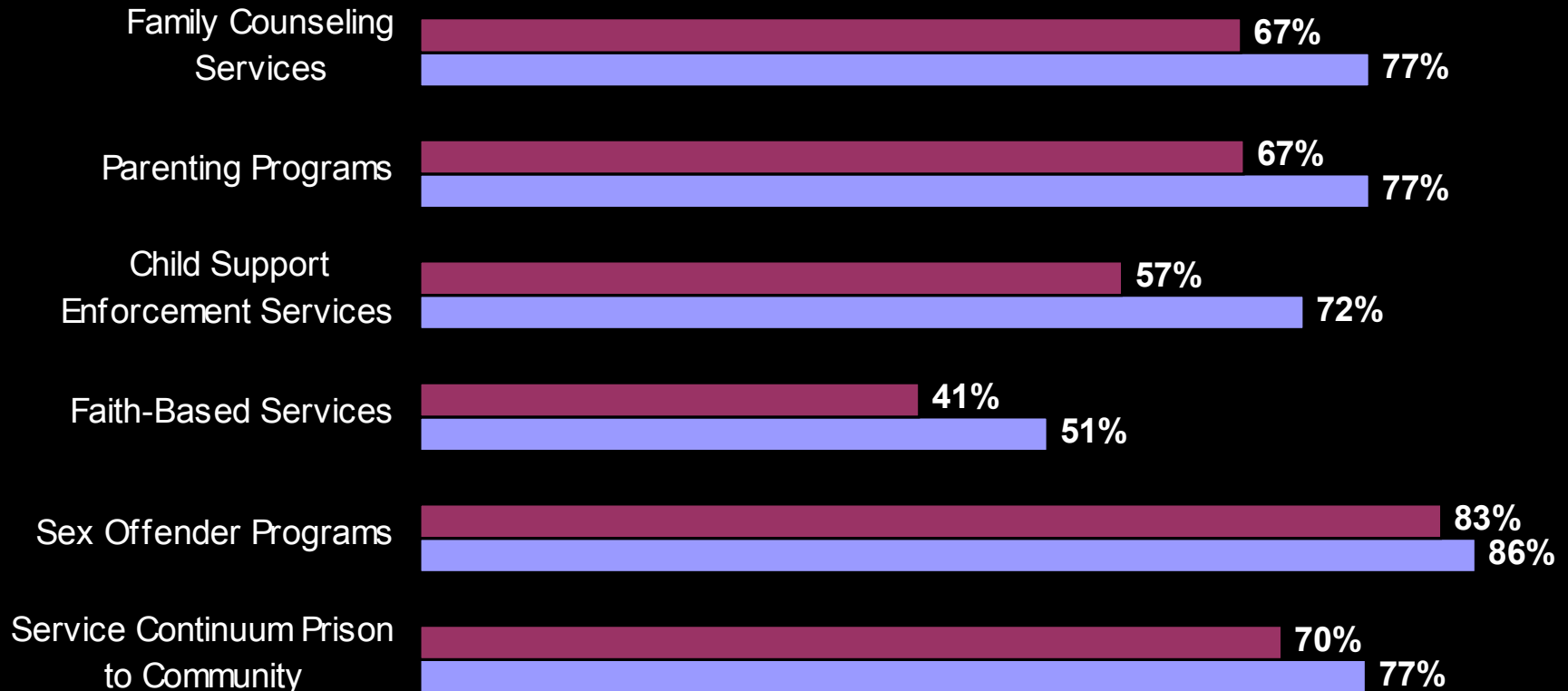
■ Should be available if resources not an obstacle ■ Important even if resources limited



# Indiana Sentencing and Corrections Survey

## COMPONENTS OF REENTRY PLANS (5)

■ Should be available if resources not an obstacle ■ Important even if resources limited



# Indiana Sentencing and Corrections Survey

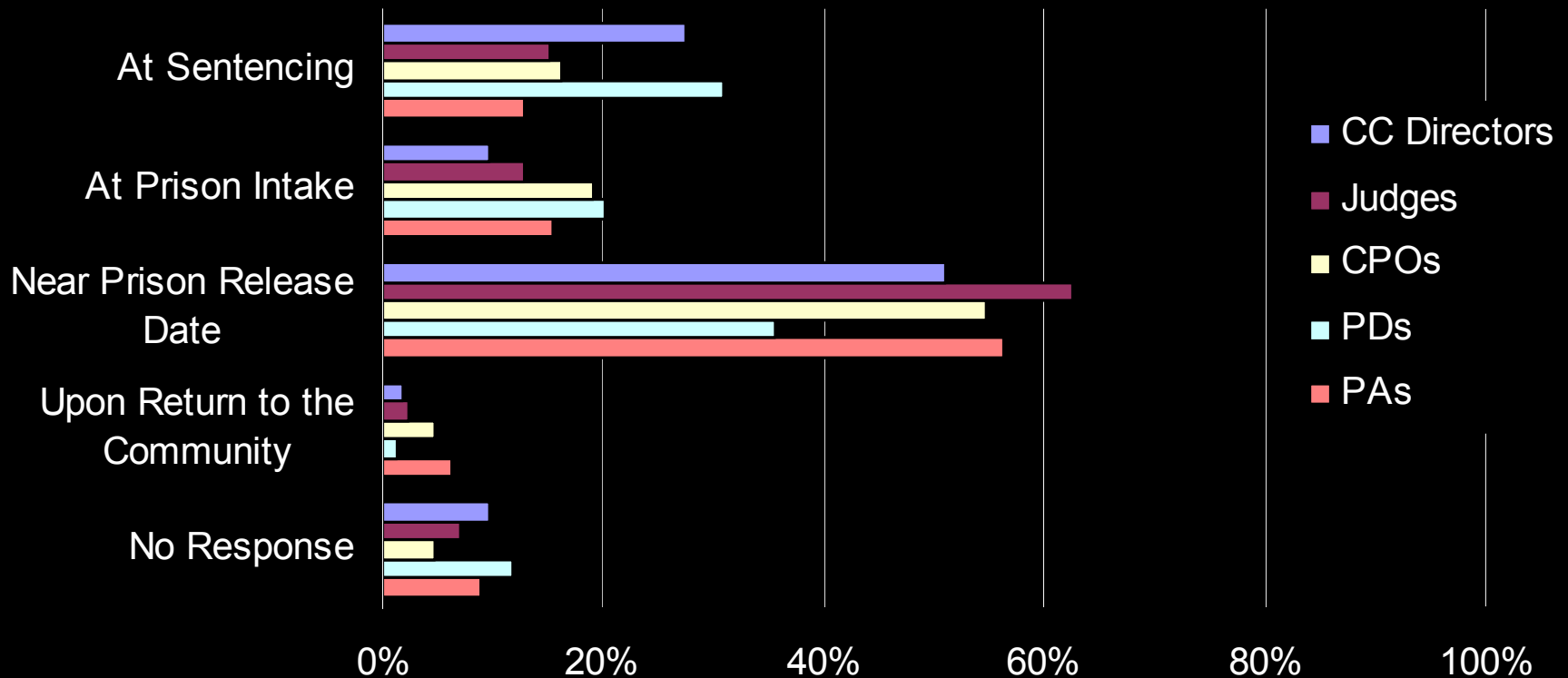
## COMPONENTS OF REENTRY PLANS (6)

■ Should be available if resources not an obstacle ■ Important even if resources limited



# Indiana Sentencing and Corrections Survey

**Assuming sufficient resources, what is the best time to develop a Reentry Plan?**

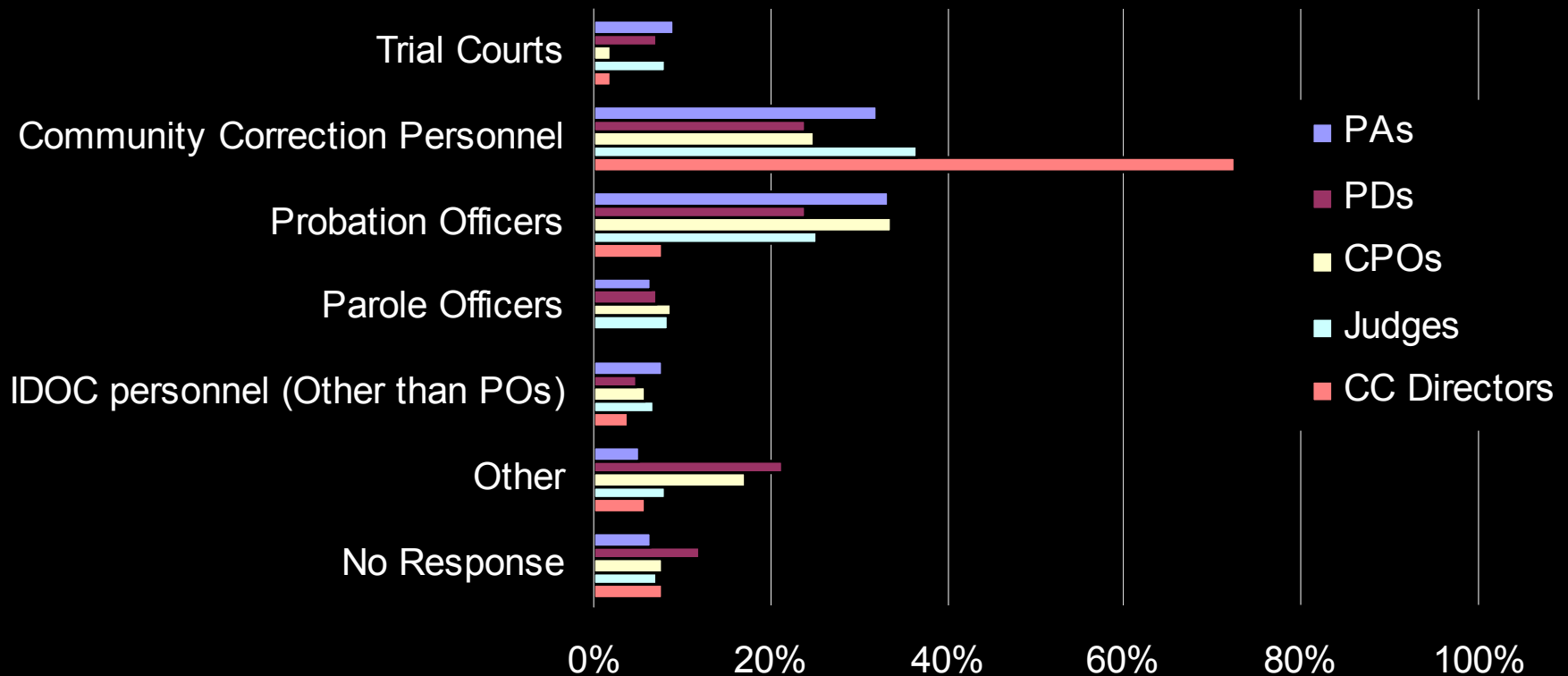


# Indiana Sentencing and Corrections Survey

<b>WHY THIS IS THE BEST TIME TO DEVELOP A REENTRY PLAN</b>	<i>At Sentencing</i>	<i>At Prison Intake</i>	<i>Near Prison Release Date</i>	<i>Upon Return to Community</i>
To inform best sentence and treatment plan & keep court informed	52%	0%	0%	6%
Early planning is better	15%	10%	0%	0%
Family/community/offender can participate in plan development	3%	0%	1%	6%
Best information/assessments available at this time	0%	43%	64%	25%
Because available resources will be known	1%	0%	35%	19%
Program & treatment continuity from this point forward	1%	5%	0%	0%
Offender accountability/motivation	27%	35%	18%	31%
Other	13%	14%	2%	13%

# Indiana Sentencing and Corrections Survey

**Assuming sufficient resources, who is best-suited to monitor  
progress under a Reentry Plan?**



# Indiana Sentencing and Corrections Survey

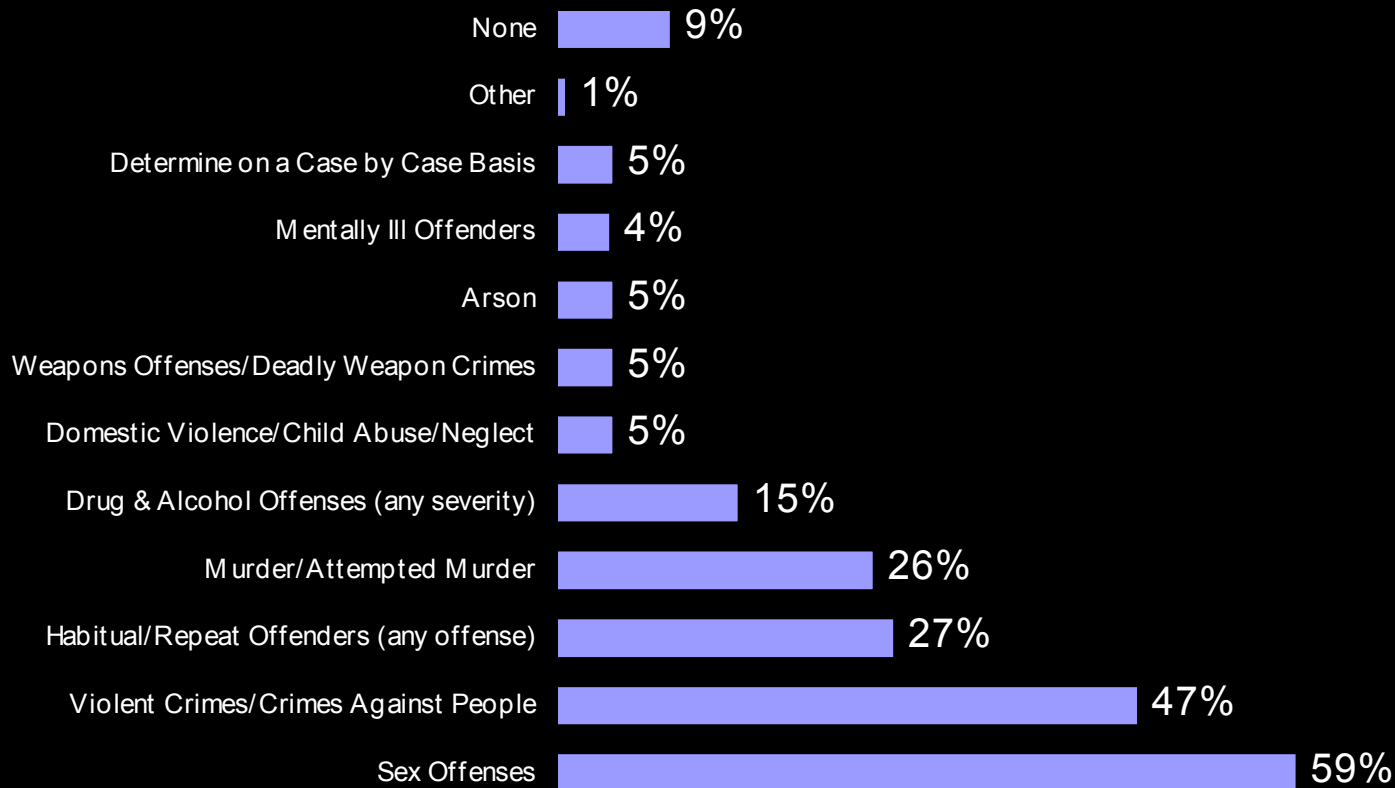
## MONITORING AUTHORITY

<b><i>WHY THIS AUTHORITY IS BEST-SUITED TO MONITOR PLAN</i></b>	<b>TRIAL COURTS</b>	<b>COMM. CORR. PERSONNEL</b>	<b>PROBATION OFFICERS</b>	<b>PAROLE OFFICERS</b>	<b>IDOC PERSONNEL</b>
Has capacity to supervise offender	0%	27%	18%	13%	5%
Is familiar with offender and offender needs	35%	9%	38%	8%	59%
Is able to assess offender risk and needs	0%	2%	2%	0%	14%
Staff have relevant experience and training	0%	14%	21%	29%	9%
Has access to programs and services	5%	37%	21%	13%	18%
Is knowledgeable about community needs/standards	10%	21%	23%	8%	5%
Can ensure consistency and fairness of plan	25%	5%	1%	13%	5%
Has the financial wherewithal	0%	0%	0%	29%	9%
Other	0%	12%	1%	4%	0%



# Indiana Sentencing and Corrections Survey

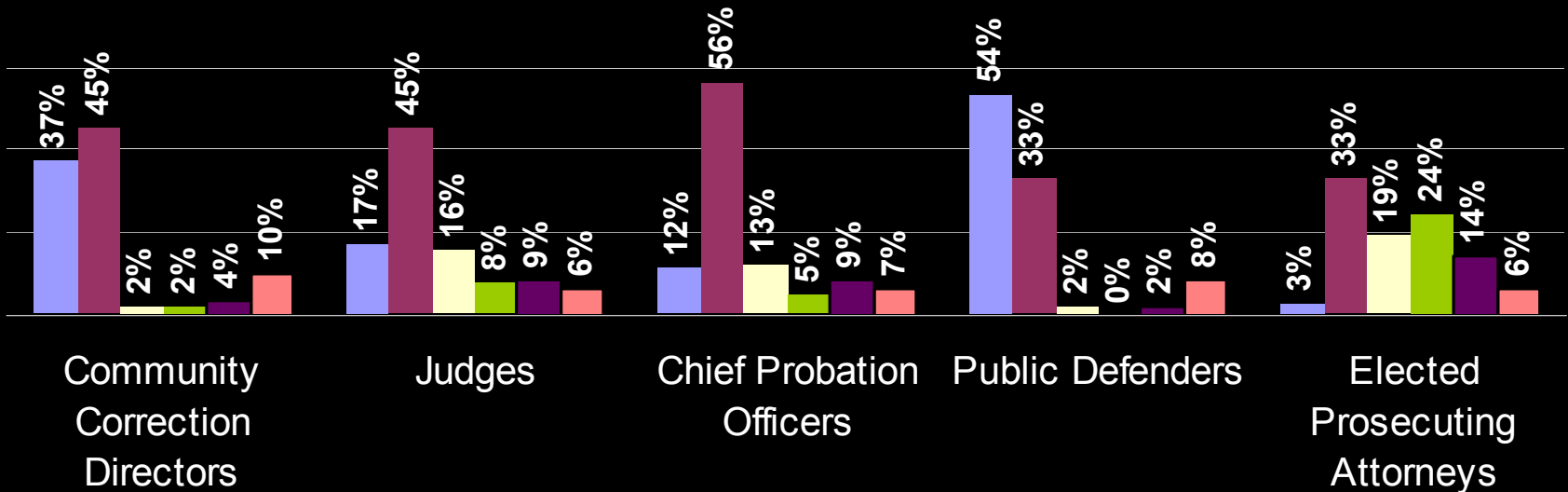
## Offenses *Inappropriate* for Shorter Prison Terms with Community Supervision under Reentry Plans



# Indiana Sentencing and Corrections Survey

Excluding inappropriate offenders, would you favor or disfavor early prison release under a Reentry Plan?

Strongly Favor Favor Disfavor Strongly Disfavor Don't Know No Reponse



favor:

82%

62%

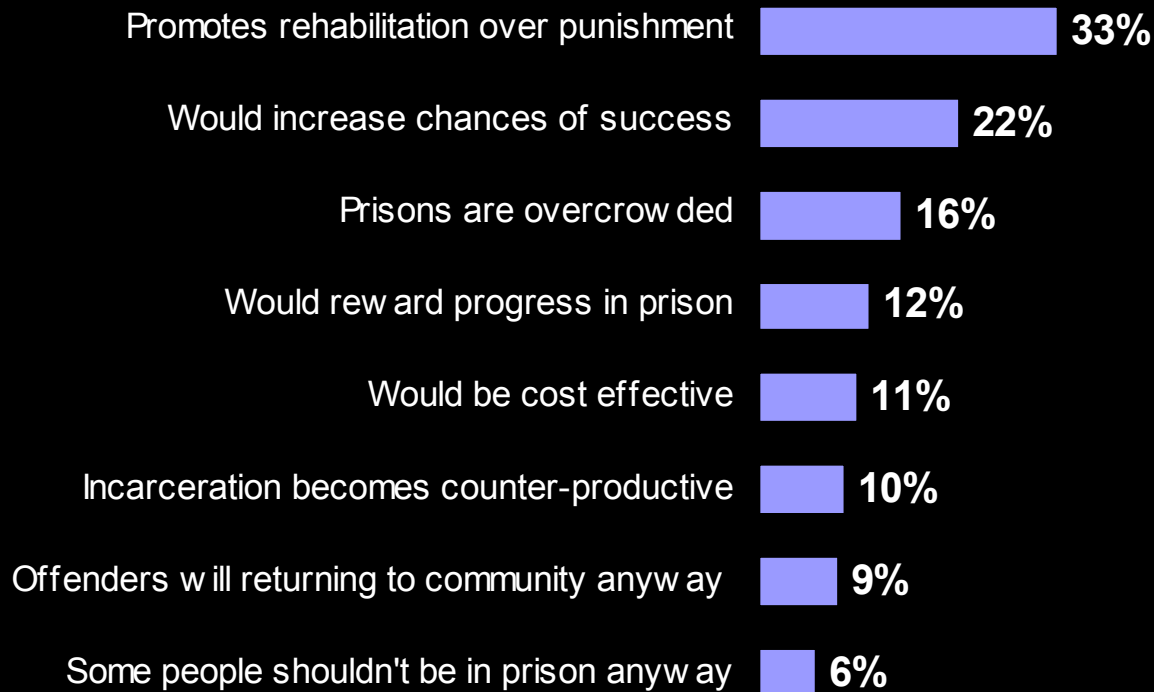
67%

87%

36%

# Indiana Sentencing and Corrections Survey

## Reasons for *Favoring* Early Prison Release for Appropriate Offenders Under Reentry Plans



NOTE: 85 of the 231 respondents answering this question were excluded because they misunderstood the question.

# Indiana Sentencing and Corrections Survey

## Reasons for *Disfavoring* Early Prison Release for Appropriate Offenders Under Reentry Plans



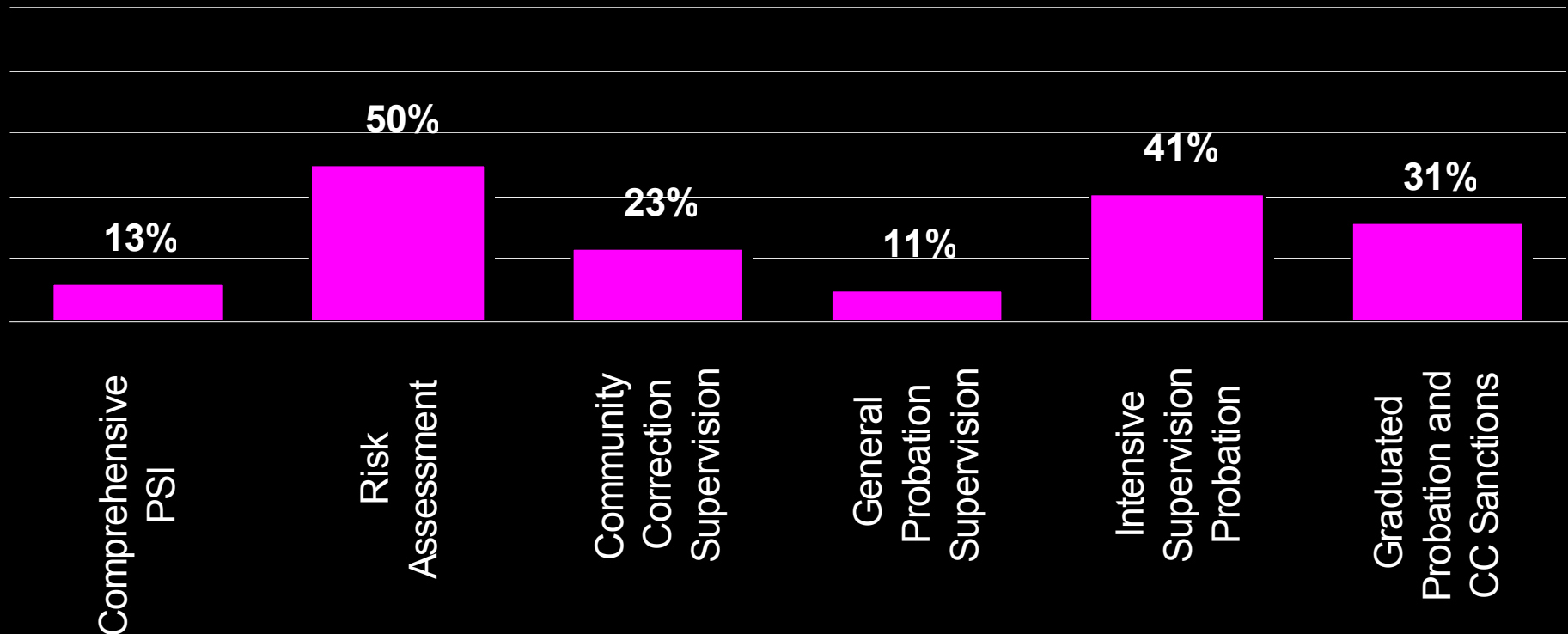
NOTE: None of the 52 respondents answering this question were excluded.

# Indiana Sentencing and Corrections Survey

## *COMMUNITY CAPACITY FOR SANCTIONS, SERVICES, AND TREATMENT PROGRAMS*

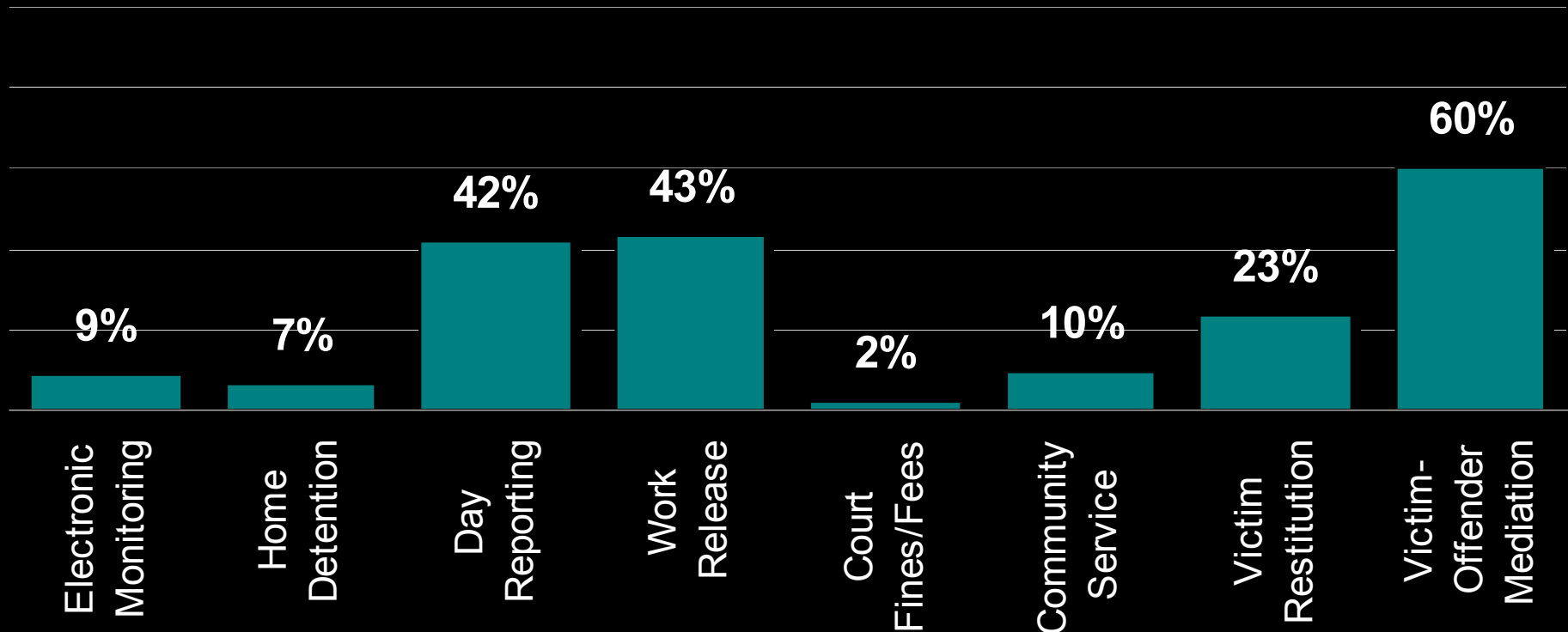
# Indiana Sentencing and Corrections Survey

**Percent indicating their community LACKS sanctions,  
services, and treatment programs needed to adequately  
serve offenders currently in their community**



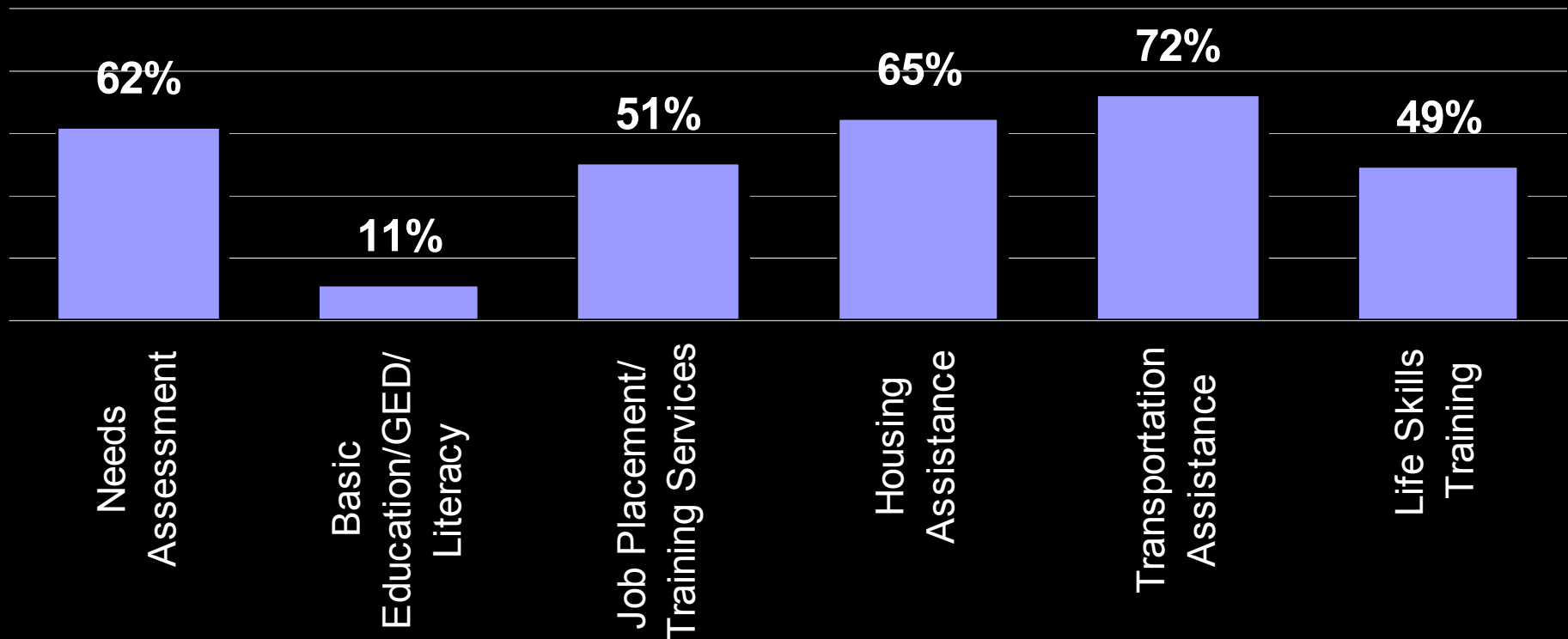
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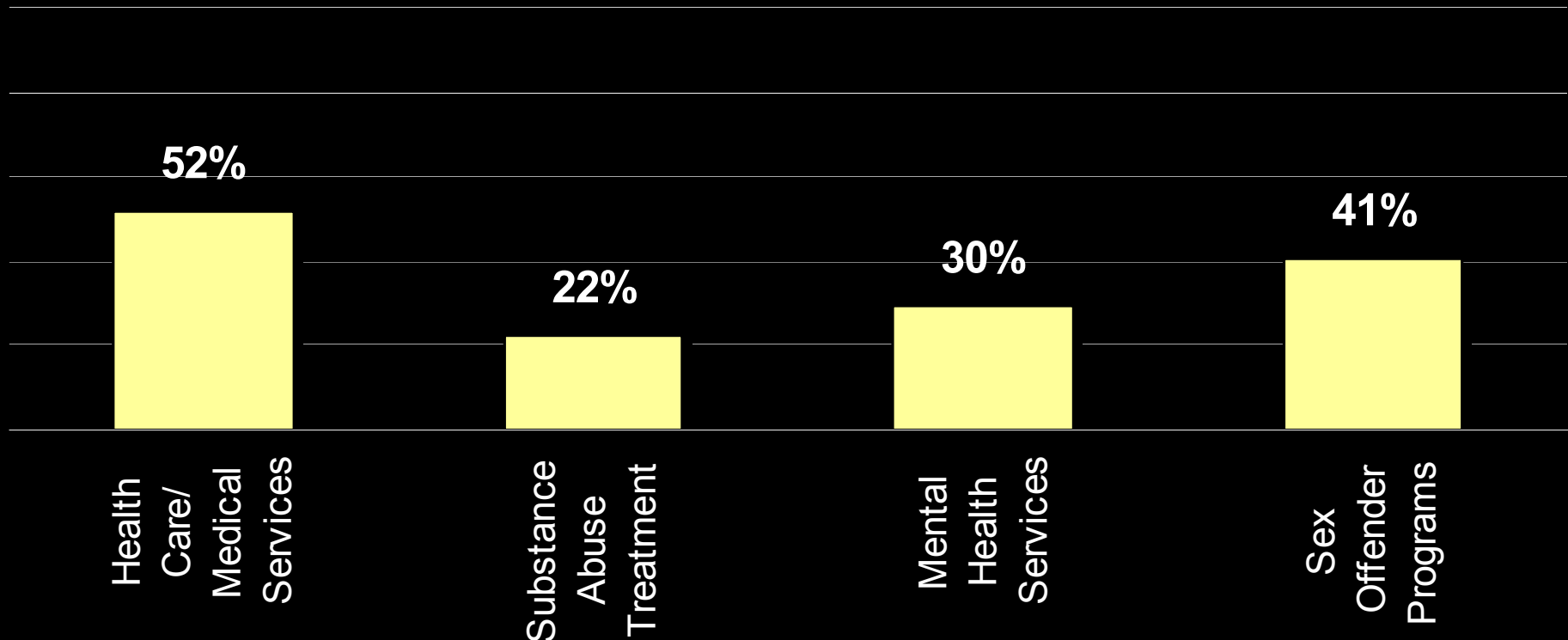
**Percent indicating their community LACKS sanctions,  
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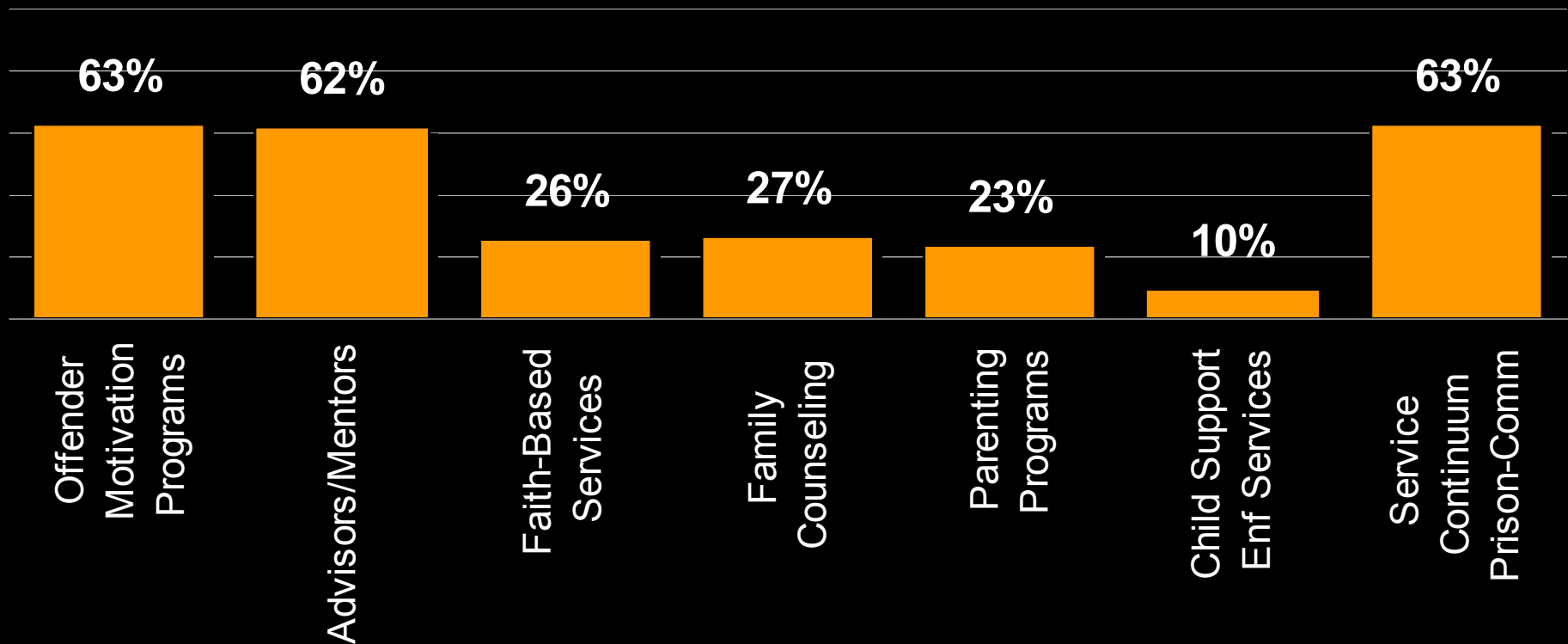
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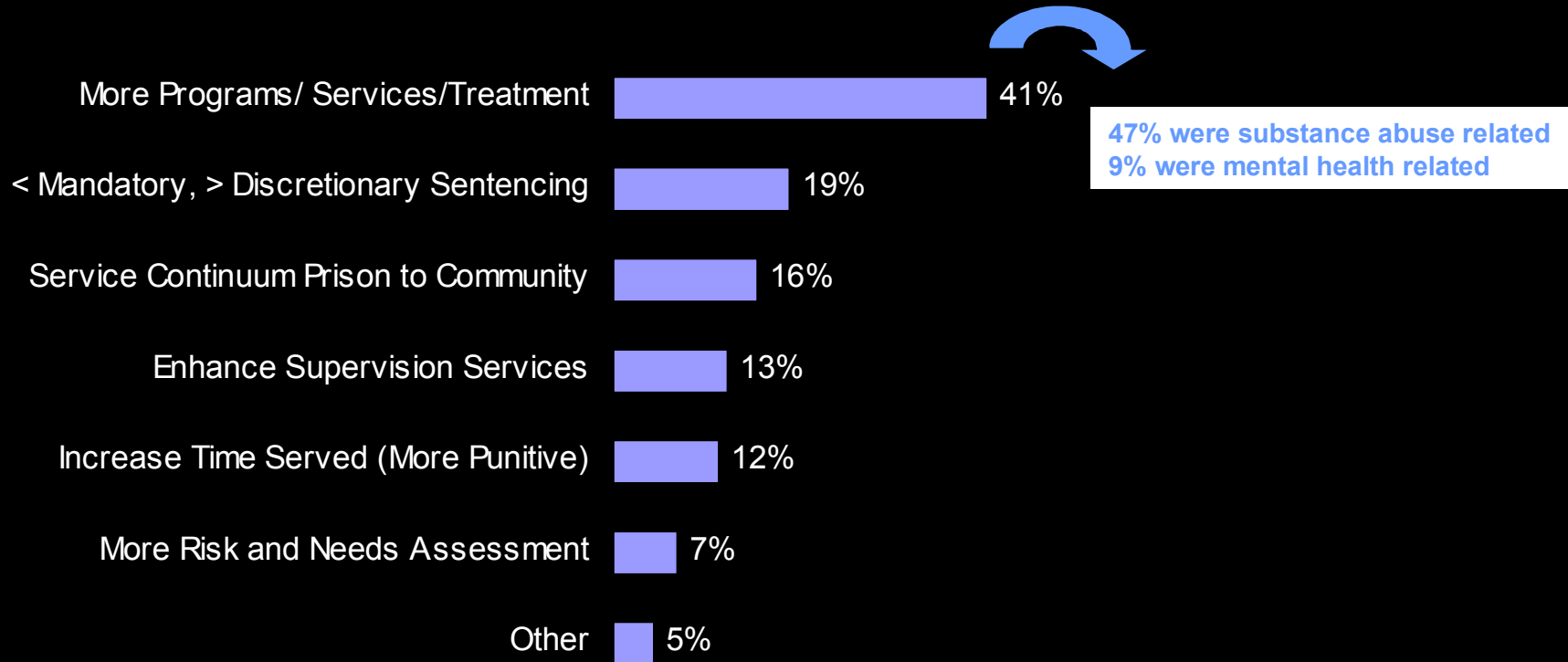


# Indiana Sentencing and Corrections Survey

## *REDUCING RECIDIVISM*

# Indiana Sentencing and Corrections Survey

**One change to Indiana's criminal sentencing laws and policies that would reduce the likelihood that an offender will commit another crime upon release from prison**





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**Indianapolis, Indiana 46204**  
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***HOW TO CITE THIS PRESENTATION:***

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